

1st February 1923]

Grant XXVII—cont.

Ayes—cont.

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| 31. Mr. A. T. Palmer. | 37. Saiyid Diwan Abdul Razzak Sahib. |
| 32. „ M. Ratnaswami. | 38. Khan Bahadur Muhammad Usman Sahib. |
| 33. „ K. Prabhakaran Tampan. | 39. Mr. R. T. Kesavalu Pillai. |
| 34. „ A. D. M. Bavotti Sahib. | 40. Rao Sahib M. C. Madurai Pillai. |
| 35. Khan Sahib A. P. I. Saiyid Ibrahim Ravuttar. | 41. Mr. G. Vandanam. |
| 36. Muhammad Abdur Rahim Khan Sahib. | 42. Rao Sahib P. Venkatarangayya. |
| | 43. Rao Bahadur T. Namberumal Chettiyar. |

Noes.

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| 1. Rao Bahadur T. A. Ramalinga Chettiyar. | 12. Diwan Bahadur L. A. Govindaraghava Ayyar. |
| 2. Mr. K. Adinarayana Reddi. | 13. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 3. „ M. Appalanarasayya Nayudu. | 14. „ C. V. S. Narasimha Raju. |
| 4. „ V. Pakkiriswami Pillai. | 15. Mr. C. V. Venkataramana Ayyangar. |
| 5. „ K. Sarabha Reddi. | 16. Sriman Biswanath Das Mahasayo. |
| 6. „ W. P. A. Saundarapandiya Nadar. | 17. Rao Sahib U. Rama Rao. |
| 7. „ R. K. Shanmukham Chettiyar. | 18. Sriman Sasibhushan Rath Mahasayo. |
| 8. „ P. Subbarayan. | 19. Mr. M. Suryanarayana. |
| 9. „ K. Venkata Ranga Reddi. | 20. „ A. Ranganatha Mudaliyar. |
| 10. „ P. Venkatasubba Rao. | 21. „ T. Sivasankaram Pillai. |
| 11. Diwan Bahadur M. Ramaachandra Rao Pantulu. | 22. Ahmad Miran Sahib Bahadur. |

The motion was carried, 43 having voted for and 22 against it.

The grant was made.

The hon. Mr. A. R. KNAPP:—“Sir I beg to move—

That the Government be granted an additional sum of Rs. 15,100 under ‘41. Civil Works—Reserved for incomplete original works at Government House, Ootacamund.’

“Sir, whatever difference of opinion there may be in this House on the question whether we should keep the Government House in Madras in good repair or whether we should allow it to tumble down, I do not think there is likely to be any difference of opinion in regard to this demand. The sum of Rs. 15,100 asked for represents the bill for certain works for which money was provided in the last year's budget but which lapsed because on the 31st March the works had not been completed and the bills could not be paid. The officers started these works on the strength of the vote given by the Council last year and consequently I now come to the Council to ask for a re-grant of the sum which has lapsed. I think I need say nothing more in regard to this grant.”

The motion was put and carried; and the grant was made.

V

A BILL TO PROVIDE FOR THE REORGANIZATION OF THE MADRAS UNIVERSITY, 1922—cont.

New clause after clause 5—cont.

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—“Sir, when the House adjourned last night, I was pointing out that there were second-grade colleges in the mufassal from which students came out eligible for admission to the B.A. classes and for qualifying themselves for the degree examinations. Now, Sir, the House will observe that there are three classes of students who will be eligible for admission to the B.A. classes. Firstly, there are those who

[Mr. L. A. Govindaraghava Ayyar] [1st February 1923]

New clause after clause 5—cont.

have passed the Intermediate examination in Madras whether from first-grade colleges or second-grade colleges; secondly, there are those who have passed the Intermediate examination in the mufassal from the second-grade colleges and thirdly, there are those who have passed the Intermediate examination from the first-grade colleges in the mufassal. Now it is intelligible how in the case of first-grade colleges in the mufassal one would wish that students who have passed the Intermediate examination should not be permitted to go to other institutions for the purpose of taking their B.A. degree. But those who belong to the second-grade colleges in the mufassal cannot labour under any such disadvantage or disability. The position, therefore, comes to this, that in addition to providing for students who have passed the Intermediate examination in Madras, whether from first-grade or second grade colleges, one has to make provision for students who are in the mufassal and who qualify themselves for the B.A. degree examination. It was pointed out by one hon. Member that there would be no difficulty for providing for students within a radius of ten miles from Madras which is stated to be the limits of the University. The figure was given as something like 110 of the persons who will become eligible for admission within that ten-mile radius. I have not got the latest figures with me, but looking into the minutes of the Syndicate for 1920, I find that, so far as Madras colleges are concerned, there were at least 210 who had wholly passed the Intermediate examination in 1920, and of those who sat for examination in Madras so many as 273 had wholly passed in the Intermediate examination in that year. I take it that the figure for the subsequent years will not fall very much below this and therefore provision will have to be made for a very large number of students. In addition to that, there is to be considered the claim of the mufassal Intermediate students who have no colleges of their own to which they can be compelled to go. It, therefore, becomes necessary to see whether in these circumstances it is not desirable that provision should be made to ensure the admission of students seeking admission into the colleges. I do not mind how rigid the Regulation or Ordinance is that may be enacted by the responsible authorities concerned; but what I do insist upon is that in this clause there ought to be no room for selection to be made of candidates who are eligible for admission and that nothing should be left to arbitrary discretion and individual caprice in the way of settlement of admission to colleges.

“So far as my experience goes, I may be permitted to state how these
12-15 p.m. selections are made, how it is that it is not the educational qualifications, or fitness which ought to be the primary test that qualify a student towards getting admission to a college. These considerations are put aside in favour of considerations altogether irrelevant and even unjust. It is because I am anxious that, however rigid may be the conditions of admission, those tests must be impartially applied so that each man who is eligible may know whether he has a chance of being admitted or not irrespective of the willingness or otherwise of the particular individuals who admit him, that I want this clause to be introduced.”

MR. A. RAMASWAMI MUDALIYAR :—“On a point of order, Sir. I fear the hon. Member is raising altogether new issues. I have heard his speech very carefully and I do not think that I ever heard him suggesting any invidious

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New clause after clause 5—cont.

distinction as between individual and individual. These points were not raised at all in his opening speech. He is only suggesting another remedy for the admission of all those who are eligible for admission, namely, that in the management of the institutions there should be no distinction made irrespective of the classes of students or individuals to be admitted."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I am afraid the hon. Member has not followed me correctly. The point is this : that every one who is eligible for admission according to the rules of admission must be ensured admission and I am only illustrating that point by saying that if you do not make provision for all those who are eligible, there will have to be the selection practice, because there may not be room for all or room only for some. Therefore I object to the principle of selection. My submission is that these points strictly arise in reply to the observations that have been made.

" One other point is that the hon. the Minister for Education at the time of the introduction of this Bill pointed out that there was at the disposal of the university something like 11½ lakhs. I dare say that the Government and the department who are so anxious that this Bill should be passed into law can now make additional provision and that so far as these 11½ lakhs are concerned a good portion of it may be available for giving effect to my proposal."

Mr. A. RAMASWAMI MUDALIYAR :—" Those 11½ lakhs are an earmarked amount."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Then there is no meaning in saying that money is available for the purpose of giving effect to the various provisions of the Bill. If it is earmarked, it is earmarked for the purposes which have existed independently of this Bill and before it was brought in, and I cannot understand the meaning when the hon. Member says that the money is available. What I was saying is this : that if it is contemplated to utilize the money which has been earmarked for certain purposes which existed before the Bill was brought in, for other purposes why it should not be used in the way in which I am suggesting. I do not think that it is an argument against me. What I wanted to suggest was that the Minister for Education would be only saying things that are relevant to this discussion. If I am wrong in my view I stand corrected. What I was mentioning is this : that if the constituent colleges that are available are not enough to give room for a large number of students, by all means you may make it clear by Regulations and otherwise that only those students who possess such and such qualification will be permitted into these colleges, so that there will be no difficulty for the students to know beforehand whether accommodation will be available or not, and that provision be made for all who may be eligible according to certain Regulations and Ordinances to get admission in colleges. I do not, as I said, appreciate any method of selecting students, from all possible candidates. With these few words I would press this clause upon the consideration of the House."

The hon. Rao Bahadur A. P. PATRO :—" The hon. mover of this amendment was saying yesterday that he wanted that accommodation should be made for those students within the university limits, that is within a radius

[Mr. A. P. Patro] [1st February 1923]

New clause after clause 5—cont.

of ten miles. That was one of the strong points urged and it was pointed out to him that more accommodation than would be needed for students within a radius of ten miles would be kept. Now he has taken up a different position that all students in the mufassal who pass in Intermediate colleges should have the right of getting admission into Madras colleges."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"I wish to point out that once you have the room for selection you do not know whom it will affect, whether it is the mufassal or the Madras candidates."

The hon. Rao Bahadur A. P. PATRO :—"The hon. Member did not allow himself yesterday to be influenced by the second argument. Now he starts by saying that if mufassal students pass in Intermediate they should have the right of admission in the Madras colleges. I do not know whether the mover of this amendment means that accommodation is available in Madras colleges and that therefore the mufassal students should also have the power of getting admission here. Even before the introduction of this Bill many of the students were not able to get accommodation in Madras. A large number of them, as Mr. Ramalingam Chettiyar rightly pointed out, went and joined mufassal colleges. Mr. Kuppaswami rightly protested against such a provision, if we are to introduce such a provision as the hon. mover suggests, it will be a great disadvantage to the mufassal colleges. We are trying to see that the conditions of the city and mufassal colleges are made similar and that teachers and courses of study are made more or less similar in both; if you try to make any distinction as is suggested in the amendment between mufassal and city colleges, and place the students of mufassal at a greater disadvantage then we shall have greater room for complaint, and it will not at all satisfy the wishes of the hon. the mover who has the interests of the students of the mufassal at heart. As to finance, I think, it will not be available, and I greatly sympathize with the feelings of the hon. mover that more provision should be made for the establishment of colleges for students. On these three grounds I object to this amendment."

The motion was put and declared lost.

Clause 6.

Sub-clause (1).

Mr. S. ARPUDASWAMI UDAYAR :—"I beg to move—

31-A. *Add at the end the following :—*

'except where, as in the case of lady candidates, special provision is made by Ordinances exempting certain lady pupils or classes of lady pupils from the provisions of this section.'

"Mr. President, my object in moving this amendment is that clause 6, sub-clause (1), is a little too rigid and does not admit of any exception. But exception has always been made, I think, in the case of lady candidates. Therefore I thought it better to have that exception inserted here. That is my only object in introducing this amendment."

Mf. M. SURYANARAYANA :—"I second it."

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Clause 6—cont.

Mr. A. RAMASWAMI MUDALIYAR :—" I should like to point out to the hon. mover of this amendment that in the Bill as it stands there is provision made for such a contingency. Clause 35, sub-clause (2) says : ' Every candidate for a university examination shall, unless exempted from the provisions of this sub-section by a special order of the Syndicate made on the recommendation of the Academic Council, be enrolled as a member of a constituent college or of an affiliated college. Any such exemption may be made subject to such conditions as the Syndicate may think fit.' So that the hon. Member will understand that when exemption is made to a candidate who need not be a member of the constituent college, it also empowers the university to grant exemption to lady candidates. Therefore, I think this is an amendment for a certain provision which already exists in the Bill."

Mr. S. ARPUDASWAMI UDAYAR :—" I do not press my amendment."

The amendment was by leave withdrawn.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" My amendment also covers the same ground. Therefore I do not move my amendment which is as follows :—

32. *Add at the end the following :—*

' Provided that special provision may be made by Ordinances exempting any woman or class of women from the provisions of this section.'

The following amendment was not moved :—

New sub-clause after sub-clause (3).

Mr. C. V. VENKATARAMANA AYYANGAR :—

33. *Add the following as sub-clause (4) :—*

' (4) No student of any constituent or affiliated college shall be compelled to attend any religious class or lecture against his wishes.'

Clause 6 was put, passed and added to the Bill.

Clause 7.

The following amendment was not moved :—

Mr. P. SIVA RAO :—

33-A. *Omit this clause.*

Rai Bahadur T. M. NARASIMHACHARLU :—" I beg to move—

34. *For the word ' Governor-General ' the words ' Governor of Madras ' be substituted.*

" My object in moving this amendment is to make effective the three purposes of establishing a Visitor to the University. His Excellency the Governor-General resides far away and he very rarely visits Madras. The information that may reach him about the state of affairs of this university may be sometimes very late and may be also tardy. In order to make effective any criticism that might be made in the working of this university, I

[Mr. T. M. Narasimhacharlu]

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Clause 7—cont.

propose, Sir, that the Governor of Madras may be the Visitor of this university. As may be seen—I do not discuss the point—I wish to refer to the amendment that I have given in No. 41 wherein I am going to propose that the Chancellor of the University may be a gentleman elected by the Senate. My object in so doing is to make His Excellency the Governor of Madras the Visitor of this University if that amendment is carried. In that case the Governor of Madras being according to the Government of India Act a constitutional Governor not being in charge of any portfolio will be unable to take a detached view of the affairs of this university which it may not be sometimes possible to take if he were also the Chancellor of the University and consequently an ex officio Member of it.

“On the other hand, if he is to be appointed Visitor, he being very close to the university and being in constant touch with what is going on in the university may be enabled to take a speedy action and thereby will be very useful in giving advice to the university as to the course of action which it should take. That is my object, Sir, in suggesting the Governor of Madras as the Visitor. The appointment of the Visitor is not after all a mere honorary appointment. I take it that the appointment is with the object of securing some useful advice from the Visitor. If that is so, then the Governor of Madras will serve that purpose much more effectively than the Governor-General who is very far away. If any abuse of the powers of the university is found.....”

The hon. Rao Bahadur A. P. PATRO:—“I rise to a point of order, Sir. This clause was introduced by the Government of India when the Bill was sent up there as a condition, because the Governor-General should be a Visitor in all the universities according to the Government of India orders.”

Rai Bahadur T. M. NARASIMHACHARLU:—“Am I to understand, Sir, that this is a non-votable clause?” (Laughter.)

Diwan Bahadur R. VENKATARATNAM NAYUDU (*Chairman*):—“I do not think that the hon. the Minister suggested that it was a non-votable clause. He only pointed out the occasion for it that it might serve as a consideration in regard to any further debate on it.”

The hon. Rao Bahadur A. P. PATRO:—“Quite so, Sir. Thank you.”

Rai Bahadur T. M. NARASIMHACHARLU:—“Well, Sir, if the amendment is permissible, I shall move it and leave the matter of carrying it or throwing it out to the discretion of the Council.”

Diwan Bahadur R. VENKATARATNAM NAYUDU (*Chairman*):—“That is the case with every amendment.”

Rai Bahadur T. M. NARASIMHACHARLU:—“You will find, Sir, that sub-clause (1) of clause 7 gives the right to the Visitor

to cause an inspection to be made, by such person or persons as he may direct, of the university, its buildings, laboratories, libraries, museums, etc.;

then sub-clause (3) says:

The Visitor may address the Chancellor with reference to the results of such inspection, etc.;

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Clause 7—cont.

sub-clause (4) says about the report to be made to the Chancellor by the Syndicate, and then the action to be taken on that report follows. If these things are to be done effectively and speedily, I submit that they can be done more effectively by the Governor of Madras than by the Governor-General. Again, as I have already submitted in my amendment No. 41, I propose to make the Chancellor of the University elected. Without advancing further arguments at this stage, I beg to move this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I beg to second it."

The hon. Rao Bahadur A. P. PATRO :—" Sir, this clause has been put in at the instance of the Government of India, and if we omit it and the Bill goes back to the Government of India for sanction, it will not be sanctioned there. That is my first point. Secondly, Sir, there is this Visitor for the University in all the main provinces and the Government of India has got a right to ask us to have the Governor-General as a Visitor, because the new University Act must obtain the sanction of the Governor-General of India. When it is only a question of modification of the University Act or anything like that, it is within the jurisdiction of Provincial Councils. But, Sir, a new Bill like this is subject to the approval of the Government of India. As I said, it is the Government of India that suggested that this clause should form part of the Bill and, therefore, it is there."

Rai Bahadur T. M. NARASIMHACHARLU :—" If that is the only argument, Sir, that the Government of India will not sanction the Bill, if passed, I beg to press my motion."

The amendment was put and declared lost.

Sub-clause (4).

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Sriman BISWANATH DAS Mahasayo :—

34-A. *Omit the words 'and within such time as the Chancellor may direct'.*

Sub-clause (5).

Sriman BISWANATH DAS Mahasayo :—" I beg to move, Sir, the following amendment :—

34-B. *Omit this sub-clause.*

" I am thankful, Sir, to the hon. the Minister for Education for having furnished us some information that this clause 7 was added to the Bill at the instance of the Government of India. Clause 7 introduces a new person into the Bill in the person of the Visitor. The Visitor, as has been shown in the Bill, is vested with very high powers. In the first place, he can cause an inspection to be made."

Mr. R. G. GRIEVE :—" I rise to a point of order, Sir. May I ask whether sufficient notice was given regarding this amendment?"

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Clause 7—cont.

The hon. the PRESIDENT :—“ There was not the six days’ notice, but I condoned the delay under the power vested in me in the Standing Orders.”

Sriman BISWANATH DAS Mahasaya :—“ Secondly, Sir, he can make inquiries in respect of the matters connected with the University ; thirdly, he can address the Chancellor with reference to the result of such inspection ; and fourthly, the Syndicate has to report to the Chancellor for communication to the Visitor regarding the action proposed to be taken on the communication. I take it, Sir, that these are very extraordinary powers that are vested in the Visitor regarding the working of the University which is being done by a very enlightened body. The sub-clause that I propose to omit here is sub-clause (5) wherein a penal provision has been made that if the University does not act up to the wishes of the Visitor, the Chancellor may issue such instructions as he may think fit and the Senate and the Syndicate shall comply with such directions. I take it, Sir, that this is an unnecessary penalizing provision. Looking into the other University Acts, we see that the Patna University has no Visitor at all and the Patna University Act was passed by the Imperial Legislative Council when it had an official majority. Then I would refer hon. Members of this House to the Hindu University Act of 1918 wherein we find a Visitor but with very restricted powers. The powers of the Visitor there are restricted only to see whether the provisions of the Act are being complied with. But here the Visitor arrogates to himself, I think, more power than has been granted by the Legislature in the Acts that I have cited. I find only a similar provision made in the Dacca University Bill of 1920. I beg to submit to the House that the Dacca University Act was passed by the Imperial Legislative Council in the year 1920 and that is no precedent in this case since we are here considering a Bill with a perpetual non-official majority. Then the extraordinary powers that are vested in the Visitor may not be scarcely applied. Our experience of the Government of India Act of 1919 has shown us how often these powers are being exercised. Even the District Municipalities Act and the District Boards Act of 1920 have sufficiently given us the idea that the extraordinary powers vested in the Collector regarding the working of the local bodies have been very often utilized not to the good interest of these bodies. Therefore, I have very grave apprehensions, Sir, with regard to this provision and I believe the House will give due consideration to this aspect of the clause. I should, therefore, think that this penal provision may as well be omitted.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ I beg to second it.”

MR. C. RAMALINGA REDDI :—“ Sir, I wish to oppose this amendment, and in doing so I shall make only one or two observations. I think my friend opposite has been unduly alarmed by the wording of the provision. I may point out to him that in every charter granted to the Universities newly founded in Great Britain, these provisions exist, and we have here simply followed up the academic tradition. I hope you will see also that this is not in any way an intervention on the authority of the institutions. British universities which do not to the same extent as the Madras or the other universities in India depend upon the State for their finance, have found that it is not incompatible with Self-Government to have a Visitor with this extraordinary reserve of powers. In all the British universities, the King is the Visitor and this power is given as something to be drawn upon under

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Clause 7—cont.

extraordinary circumstances. So far as I know, it has never for once been applied as yet and we in our institutions are only following this precedent. The Dacca University has introduced it into its constitution. Once the Visitor is introduced, the rest follows as mere consequential affair. I do not therefore think that we need be unduly alarmed by this provision."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am rather surprised to hear the remarks of my hon. friend in regard to this matter. It is true that in all the British universities the King is a Visitor and undoubtedly there are visitorial functions also with large reserve of powers attached to the Sovereign. But that is entirely inapplicable to the existing circumstances in India. If he had referred to anything at all, the reference should have been, say, to countries where there is a Governor-General who represents the King, and where there is also a Governor for a sub-province who also represents the King. If my hon. friend had only referred to one instance, like the Canadian Constitution, or the Australian Constitution, where the Governor-General and the Governor had visitorial and controlling functions, I might have been satisfied."

Mr. C. RAMALINGA REDDI :—" The Chancellor under this Bill has no visitorial function."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I shall come to that presently. Where the Governor is a Chancellor, the Governor-General has absolutely no function whatever, as in the case of the University in Australia. Therefore, where we have the Governor as Chancellor ex officio and the visitorial function of the Governor-General is also preserved, there is some difficulty."

" There is only one other remark which I should like to make apart from the question of having a Visitor. Hon. Members will know that the Chancellor by virtue of his office can issue directions, in order to carry out the wishes of the Visitor, to the Senate or the Syndicate. Under sub-clause 2 of clause 9 the

Chancellor shall exercise such powers as may be conferred on him under the provisions of this Act.

So far as he is concerned he exercises no other functions except those which are mentioned in the provisions of this Bill. In sub-clause 5 of clause 7 he is given power to issue such directions as he may think fit and the Senate and the Syndicate should comply with such directions. So the Chancellor has two capacities; one under clause 9 and one under sub-clause 5 of clause 7. So far as I am concerned if sub-clause 5 of clause 7 goes out, the responsibility will be that of the Governor-General. Therefore, I submit that this amendment ought to be accepted as it is sound."

The hon. Rao Bahadur A. P. PATRO :—" These powers, Sir, are more or less taken from the Allahabad University Act. While other universities have nothing to be alarmed at the functions given to the Visitor, I am not able to understand why we in this province need be afraid of the provisions of this clause. Visitor's powers are extraordinary, but they are reserve powers given to the King. The Viceroy representing the King has got this power and therefore there is no reason to fear that it will be exercised and if exercised that it will be exercised to the disadvantage of the university."

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Clause 7—cont.

The motion was put and declared lost.

Clause 7 was put, passed and added to the Bill.

Clause 8.

The following amendments were not moved as they were identical with amendment No. 24 :—

Khan Sahib A. P. I. SAIYID IBRAHIM RAVUTTAR :—

35. *Omit the words ' a Pro-Chancellor '.*

Rao Sahib U. RAMA RAO :—

36. *Omit the words ' a Pro-Chancellor '.*

Rai Bahadur T. M. NARASIMHACHARLU :—

37. *Omit the words ' a Pro-Chancellor '.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

38. *Omit the words ' a Pro-Chancellor '.*

Mr. R. SRINIVASA AYYANGAR :—

39. *Omit the words ' a Pro-Chancellor '.*

Mr. P. SIVA RAO :—

39-A. *Omit the words ' a Pro-Chancellor '.*

Mr. M. SURYANARAYANA :—

39-B. *Omit the words ' a Pro-Chancellor '.*

The following amendment standing in the name of Rao Bahadur A. S. Krishna Rao Pantulu was not moved :—

40. *For the words ' and a Vice-Chancellor ' substitute the words ' a Vice-Chancellor and a Registrar '.*

Clause 8 was put, passed and added to the Bill.

Clause 9.

Rai Bahadur T. M. NARASIMHACHARLU :—“ I beg to move this amendment :

41. *For the words ' The Chancellor of the University shall be the Governor of Madras ', substitute the words ' The Chancellor of the University shall be a person elected by the Senate in the manner prescribed '.*

“ In doing so, I wish to bring to the notice of the House that His Excellency the Governor of Madras has been made a constitutional Governor under the Government of India Act. By making him Chancellor here we make him also an ex officio member. He will have to take part in the deliberations of the Senate and naturally he will be placed in some difficulties when certain naughty and controversial questions are discussed there. To the very arduous and very onerous duties which His Excellency is discharging I think it would be better not to add this uncomfortable duty.

“ The next point that I would submit is this. You will notice that the tendency of modern times is to make every institution as much as possible elective. I do not see any reason why the Senate should not be given the power of electing its own Chancellor. It may also be noticed that in the

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Clause 9—cont.

amendment that I have given I have not confined the selection to the members. The Senate can select any person whom it considers best fitted to hold this eminent office. If at least, as in the case of our Council, it was stated that at some future date the Senate would have to elect its own Chancellor, I would not have ventured to bring forward this amendment. As no such indication is given, I submit that the Senate, which consists of members of very great learning and experience, should be given the power of choosing its own Chancellor. These are the reasons, Sir, which influenced me to bring forward this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU seconded the amendment.

The hon. Rao Bahadur A. P. PATRO:—"Even in the present constitution the Chancellor of the University is the Governor of Madras. In every other University of every other Province the Governor is the Chancellor of the University. The functions of the Chancellor are very well defined and they are not as onerous as they have been represented to be. I see absolutely no reason to make any alteration in the clause. Among all persons most suited for the place of the Chancellor the Governor of Madras stands foremost."

Mr. M. RATNASWAMI:—"I have got one suggestion to make to the hon. Member. I think it would be easier for him to realize his idea if he got the Government of India Act so amended as to make the Governor of Madras an elected person."

The motion was put and declared lost.

Mr. C. V. VENKATARAMANA AYYANGAR:—"I beg to move—

42. *For the word 'exercise' substitute the word 'possess.'*

"This is a very small amendment, Sir. So, I think it is better to move it. Unfortunately the Advocate-General is not here. I leave it to the Minister to consider whether my amendment is not reasonable. The clause says that the Chancellor shall exercise powers. When I read through the Bill I found that there are clauses 29 and 31 which give him powers irrespective of the rules and other things. As it is, the Chancellor is bound to exercise all the powers given to him. I read also other clauses in the Bill that purport only to say 'shall have power', to do this or that. If it were 'may' instead of 'shall,' it would have been all right. As it is, it looks as if he is a machine to which several powers are given. If 'may' is used it will be all right. I do not know if there will be any objection to this."

Rai Bahadur T. M. NARASIMHACHARLU seconded the amendment.

The hon. Rao Bahadur A. P. PATRO:—"In the original draft we said that the Chancellor shall have such powers, etc. At the instance of the Advocate-General in the Select Committee it was altered into 'shall exercise'."

Mr. J. V. VENKATARAMANA AYYANGAR:—"No reason has been given. The Advocate-General might have satisfied the committee. But there is no reason given to satisfy me."

The motion was put and declared lost.

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Clause 9—cont.

The following amendment of Diwan Bahadur M. Ramachandra Rao Pantulu was not moved and was therefore deemed to have been withdrawn:

43. *Omit this sub-clause (sub-clause 3).*

Clause 9 was put, passed and added to the Bill.

Clause 10.

The following amendments were not moved and were deemed to have been withdrawn:—

Khan Sahib A. P. I. SAHYID IBRAHIM RAVUTTA:—

44. *Omit this clause.*

Rao Sahib U. RAMA RAO:—

45. *Omit this clause.*

Rai Bahadur T. M. NARASIMHACHARLU:—

46. *Omit this clause.*

Mr. R. SRINIVASA AYYANGAR:—

47. *Omit this clause.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

48. *Omit this clause.*

Mr. P. SIVA RAO:—

48-A. *Omit this clause.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—“I beg to move—

49. *For sub-clause (1) substitute the following:—*

‘10 (1) The Pro-Chancellor shall be elected by the Senate from among persons recommended by the Syndicate. Every such election shall be subject to the approval of the Chancellor.’

“There was already considerable discussion yesterday as regards the necessity for the Pro-Chancellor. The decision ended in the acceptance of the office of the Pro-Chancellor. The further provision that formed the subject of considerable discussion was on these words, viz., that the Pro-Chancellor should be the Minister for Education for the time being. That policy of making the Minister for Education an ex officio member was the subject of discussion in this House already. Dr. Macphail has assigned very good reasons, and I need not add very much to what has been said already. I should deplore, Sir, any impression created that the new Senate should be controlled by the Government. Perhaps hon. Members are aware that all ideas about the control of universities by Government have ended in a failure, and I certainly think that the same will be the case in this country. All that has been said yesterday by the various speakers tended to show that the object of the provision was to retain that control.

“My friend, Mr. Ramalinga Reddi, said that the object of this provision was to bring about some co-ordination or good understanding between the Government and the University. But, Sir, I fear that the Minister for Education as a Member of the Government has

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Clause 10—cont.

several functions to discharge, and that his position as such may come into conflict with his position as Pro-Chancellor. I, therefore, think that the appointment of the Pro-Chancellor by election is the proper thing to do. The whole object of University reform has been to make the University as autonomous as possible, and the appointment of the Minister for Education as the Pro-Chancellor takes away very much from that object. These are my main views and I therefore move my amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I second it."

Mr. C. RAMALINGA REDDI :—" Sir, I do not think any good purpose will be served by making a speech at this stage, and I wish that the leader of the Opposition had moved his amendment without making a speech. I shall only say that the provision in the Bill not only satisfies the conditions of an autonomous University, but avoids a great deal of friction between the University and the Government, and if the Minister is brought into an organic connexion with the University, he will be able to exercise a proper control over the University. I do not think I need say anything more, and I strongly oppose the amendment of my friend, Mr. Ramachandra Rao."

The Rev. Dr. E. M. MACPHAIL :—" Sir, this matter was really thoroughly discussed yesterday, and I expressed my views on the subject then. Although the hon. the President pointed out that this provision and the other one which was voted on yesterday were altogether different, I think that, when it was voted on, it was clearly understood that Pro-Chancellor was to be the hon. the Minister for Education, though I was myself against the provision for a Pro-Chancellor."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I wish to make one observation, Sir. My friend, Mr. Ramalinga Reddi, said that I should not have made a speech at all on this amendment. If he himself had followed that advice, certainly I would have been very much delighted."

Mr. C. RAMALINGA REDDI :—" I had to follow the example of my hon. friend."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I am glad that my hon. friend has followed me even in my irrelevancy. He is a very faithful friend, and I trust that he will certainly stand by me even when I go wrong."

" There is only one other matter which I wish to place before the House. I should not have made any speech to-day but for the ruling of our distinguished President. Yesterday, when I wanted to refer to this subject, he said, 'do not go into that matter now. You have an amendment in your name about that matter and the question whether the Pro-Chancellor should be an elected officer or should be the hon. the Minister for Education may be discussed when the occasion for that comes'. Otherwise, I certainly have no desire to cover the same ground which was covered yesterday. Having said that, Sir, I shall now follow the advice of my hon. friend, Mr. Ramalinga Reddi, by not attempting to reply to his observations."

The amendment was put and declared lost.

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Clause 10—cont. .

The following amendments were not moved :—

Mr. C. V. VENKATARAMANA AYYANGAR :—

50. *For sub-clause (1) substitute the following :—*

‘The Chancellor shall from time to time appoint a Pro-Chancellor from among five persons recommended by the Senate who shall be entitled to hold office for a term of three years.’

Mr. M. SURYANARAYANA :—

50-A. *For sub-clause (1) substitute the following :—*

‘10 (1) The Pro-Chancellor shall be elected by the Senate from among its own members and shall hold office for three years.

The Vice-Chancellor shall be a whole-time officer of the University and shall hold office for a term of three years and may be paid such salary as shall be prescribed.

(2) The first Vice-Chancellor shall be nominated by the Chancellor from among five persons to be recommended by the Senate from among persons to be nominated by the Syndicate.’

Mr. C. V. VENKATARAMANA AYYANGAR :—

51. (i) *In sub-clause (2) for the words ‘In the absence of the Chancellor or during the Chancellor’s inability to act’, substitute the words ‘If there is no Chancellor or if the Chancellor is unable to act.’*

(ii) *Omit the word ‘all’.*

Mr. M. SURYANARAYANA :—

51-A. *Add the following as sub-clause (3) :—*

‘(3) *ten members shall form a quorum.*’

Clause 10 was put, passed and added to the Bill.

Clause 11.

Sub-clause (1).

Rai Bahadur T. M. NARASIMHACHARLU :—“Sir, I beg to move—

52. *For this sub-clause substitute the following :—*

‘(1) The Vice-Chancellor shall be elected by the Senate from among its members in the prescribed manner and shall hold office for a term of three years from the date of election’.

It will be noticed, Sir, that we have resolved on having His Excellency the Governor of Madras as our Chancellor and the hon. the Minister for Education as our Pro-Chancellor. I think we have had enough of these permanent officials of the State as heads of the University. It is time for us to have as the Vice-Chancellor a gentleman elected by the Senate. The Senate, I venture to say, will consist of wise people and it is not proper that we should take away from the Senate the power of electing at least its Vice-Chancellor. The existing clause 11 (1) says :

The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from among five persons recommended by the Senate.

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Clause 11—cont.

I submit, Sir, that instead of the choice being given to the Chancellor to appoint a person from among the five chosen by the Senate, the Senate itself may be entrusted with the task of appointing its Vice-Chancellor. Instead of the Senate recommending five persons and then the Chancellor selecting one of these five, I think, Sir, that the electing franchise may be further extended and greater powers given to the Senate. If we cannot trust the Senate at least in this matter, I submit there is no use of having such a Senate at all, that is, a Senate having no power of appointing its Vice-Chancellor, Pro-Chancellor or Chancellor. I say, Sir, what is the use of having such a Senate? We must give it some powers, at least to elect its Vice-Chancellor.

"Then, Sir, my amendment also does away with the question of the Vice-Chancellor being a whole-time officer. There is no necessity to have a whole-time officer, because the Bill contemplates the existence of a Registrar and our present Registrar has been doing his work very satisfactorily without any arrears being left, and till now the Vice-Chancellor without being a whole-time officer has been doing his work also very satisfactorily, if I may say so.

"There is absolutely no use in having a whole-time officer. The corollary of having a whole-time officer is that he will have to be a paid high salary. Clause 11 (1) says:

he shall hold office for a term of three years and may be paid such salary as shall be prescribed.

"It is the object of this amendment to give the powers of electing a Vice-Chancellor to the Senate and to make him not a whole-time officer but an honorary officer, especially as we shall have the Registrar who will as hitherto conduct the entire business of the University. These are the few reasons which actuated me to put forward this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I second this amendment, and in doing so I wish to point out in the first place that we are going much behind original object of the hon. the Minister for Education in introducing this Bill. It will be found that in the initial stages of the original Bill a machinery was provided which was more representative of the interests of the people than the governmental machinery attempted to be set up by means of this Bill. The point for consideration is whether it is desirable or not that at least in the appointment of the Vice-Chancellor we should give the power to the Senate to elect its own Vice-Chancellor. We have been informed by the hon. the Minister, when dealing with another amendment, that though the Governor-General was not provided for originally as the visitor of the University still he had to be put in at the instance of the Government of India and we have notwithstanding an amendment to the contrary accepted the position and taken the consequence. Then, Sir, there was an amendment moved that the Chancellor should be elected which has not been accepted. Then we have gone further in bringing in the Pro-Chancellor, one who occupied the position of the hon. the Minister for Education. Let the House only realize that though in the original Bill the only provision made for Government control over the working of the University was the Governor of Madras, the Chancellor of the University, we have now

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added to the machinery devised for the purpose the Governor-General as the Visitor and the hon. the Minister as Pro-Chancellor. Having done that, having introduced the two additional Government agencies for the purpose of controlling, guiding and directing the work of the University, and having the Governor of Madras as the Chancellor of the University, let us imagine whether there is any justification for appointing a Vice-Chancellor just at this stage without giving the Senate the power to do so. In this connexion, I may again point out that the original Bill introduced by the hon. the Minister for Education was fairly liberal in this respect. It provided for the election of the Vice-Chancellor by the Senate from among persons recommended by the Syndicate. Though in the original Bill provision was made for the election of the Vice-Chancellor by the Senate only subject to the proviso that it should be from among persons recommended by the Syndicate and should meet with the approval of the Chancellor, it is very unfortunate that the Select Committee should have gone behind even that liberal provision and stated that the Vice-Chancellor

shall be appointed by the Chancellor from among five persons recommended by the Senate.

I think, Sir, there is no justification whatever for giving that power to the Chancellor. If we do not vest the Senate which is going to be constituted on a liberal basis with the discretion of electing the Vice-Chancellor who is to work, not on his own responsibility, but under the direction and control of the Visitor in the first instance, the Chancellor in the second and again the Pro-Chancellor in the third, we shall appear as if we did not trust the Senate which we were going to form. It is for these reasons that we should accept this amendment. A provision may be made that the election shall be with the approval of the Chancellor; in fact, some of the amendments which have been suggested propose that change. Beyond that, I do not think that we are justified in going.

“The second point raised by this amendment is whether the Vice-Chancellor should be a whole-time officer of the University and whether he should receive a fixed salary. In this I agree with the hon. the mover, for I myself have given notice of a similar amendment that in the present stage of development of the University we need not be going for a whole-time paid Vice-Chancellor. Statute III provides

The Registrar shall act as the Secretary of the Senate, the Syndicate, the Academic Council, and the Council of Affiliated Colleges; he shall, subject to the control of the Syndicate, manage the property and investments of the University. He shall be responsible for the preparation of the financial estimates and the annual accounts. Subject to the powers of the Syndicate, he shall be responsible for seeing that all moneys are expended on the purposes for which they are granted or allotted. All contracts shall be signed by the Registrar on behalf of the University. He shall exercise such other powers and perform such duties as may be prescribed.

Having provided in this manner for a Registrar, it is open to us to make his pay sufficiently attractive so as to provide for the best man possible. So, is it necessary for us to provide in addition for a Vice-Chancellor who is to be a whole-time officer and who must be paid a decent salary? When once we have provided for a costly Registrar, why should we also provide for a costlier Vice-Chancellor? I think, Sir, that in the initial stages of the formation of a University we should not embark upon a scheme which will take away the bulk of the income to be realized from Government grants for paying the

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salaries of these officers. We all realize that we have been advocating retrenchments in various departments and we have also been going on increasing the salaries of officers or creating costly appointments. I would therefore request the House not to go in for a paid Vice-Chancellor at present. We ought to be satisfied with a Registrar, who is a whole-time officer, and get on with only an honorary Vice-Chancellor."

The Council adjourned for lunch at 1-30 p.m.

The Council re-assembled after lunch at 2-30 p.m. with the hon. the Deputy President in the chair.

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I rise to oppose this amendment. The provision in the Bill, as modified by the Select Committee, for the appointment of the Vice-Chancellor is, I submit, very much better than the provision which was made in the Bill as it was originally introduced in the Council. The provision in the original Bill was that some persons should be recommended by the Syndicate, that the Senate should elect one of them and that the Chancellor should confirm the election, so that the machinery for the appointment of the Vice-Chancellor under the original Bill was rather complicated and involved the Syndicate, the Senate and the Chancellor. According to the Bill as modified by the Select Committee, the machinery provided is much simpler. We have got rid of one of these three bodies, viz., the Syndicate, and the only bodies that are now concerned in the appointment of the Vice-Chancellor are the Senate and the Chancellor. At the same time, the powers of the Senate are not taken away, for it is only one out of the five persons nominated or recommended by the Senate that the Chancellor can appoint. The Chancellor, though he has the power of appointment, has his powers very much restricted under the provisions of the present Bill. He can make the appointment only out of the five persons recommended by the Senate. And all the five persons recommended by the Senate must necessarily and naturally possess the confidence of the Senate. Thus, the appointment ultimately made by the Chancellor must be of a person in whom the Senate as a body has confidence. The Senate is not likely to choose any person in whom it has no confidence, so that, I submit, Sir, that the provision in the present Bill is very much better than the one that was contained in the original Bill.

"The second point that has been urged in support of this motion is this: that the Vice-Chancellor should not be a paid officer and should not be a whole-time officer. I submit that it is absolutely essential that the Vice-Chancellor should be a whole-time officer; and if we want to get a whole-time officer, he must be a paid officer. The work of the Vice-Chancellor under the new Bill when it becomes law is likely to be very heavy, particularly in the early stages, say, for the first three, four or five years. And during that period, unless we have a particularly able person who is prepared to devote the whole of his time to the work, the work of the University is not likely to make any progress at all; and we cannot get competent men, men whose services are worth having, unless they are paid. It is all very well to have honorary men when the value of work is not heavy. But when, as I submitted, the volume of work is likely to be very large, we should have a

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full-time officer and a paid officer. For these reasons, I oppose the motion brought forward by my hon. friend, Mr. Narasimhacharlu."

Mr. R. SRINIVASA AYYANGAR :—" Mr. President, I should like to give my support to the amendment before the House. I quite admit that the present clause 11 is an improvement upon the corresponding provision in the original Bill and in some respects better than the original provision. But, in my opinion, it is not the best provision that can be conceived of; and, I think, that it is with the view to make the provision meet all possible conditions, that this amendment has now been brought forward. Under the original Bill there were three sets of authorities—the Syndicate was the recommending body, the Senate the electing body and the Chancellor the confirming body. The present clause drops out the Syndicate, constitutes the Senate as a recommending authority with power to recommend five persons and leaves the Chancellor to select one out of the five. But consider this amendment. It is more comprehensive and seeks to be in consonance with the spirit that prevails regarding the management of self-governing institutions. I take it that the University that is to come into being under this Bill is meant to be a self-governing institution, more than a department of the State. If we only bear in mind the basic principles underlying some of these self-governing institutions, like the taluk boards, the district boards, municipal councils and the district educational councils, hon. Members of this Council can very well perceive that all these bodies have been given the right and the privilege of electing their vice-presidents or vice-chairmen as the case may be, though in some of the educational councils and some of the district boards the privilege of electing their presidents has not yet been conferred. I hope the time will come when the Government will see its way to review its present attitude and confer the privilege. Whatever that may be, the present provision in clause 11 of the Bill seems to strike at the root of the basic principle which we stand for and which ought to govern all institutions. I am inclined to agree with Mr. Narasimhacharlu in his anxiety to take away this power from the Chancellor and vest it in the Senate for this reason: you all know that the bodies which have been given the power of electing their vice-chairman or the vice-president cannot with reference to their constitution or with reference to their literacy bear comparison with the academic body which is to come into being under this Bill. For, I take it that the academic body, to wit, the Senate, will consist largely of men of culture, of learning, of enlightenment, of erudition, of capacity and business habits. What justification on earth can there be to withhold this elementary privilege from such a body whose antecedents would be such as to cause envy? Therefore, all things considered, I would submit that there is much in favour of the amendment proposed by my friend, Mr. Narasimhacharlu."

Rao Bahadur K. RAMUNNI MENON :—" Mr. President, I should like to make a few observations on the different points that the amendment before us raises. First of all take the matter of appointment of the Vice-Chancellor. The feature that appeals to me of the particular mode of appointment prescribed by the clause in the Bill as amended is that it combines the advantages of the system of election, the general soundness of which is

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undoubted, with those of nomination which has produced most excellent results in the past. That, to my mind, appears quite sufficient reason for according my vote for this particular mode of appointment.

“With regard to the other two points, namely, whether the Vice-Chancellor should be a full-time officer and whether he is to be paid a salary, I submit that these two points hang together. I have looked in vain, in the table of amendments proposed, for any amendment to clause 12 of the Bill defining the duties of the Vice-Chancellor. I may be permitted to remark that according to that clause the Vice-Chancellor will be the principal executive officer of the University. And his other functions are also prescribed in the Bill. I could understand an hon. Member trying to persuade the House that we need not have a full-time officer to discharge these duties if, at the same time, he brought forward proposals to reduce the duties that the Bill has prescribed for the Vice-Chancellor. But that attempt has not been made. Whether we accept the amendment or not, the duties of the Vice-Chancellor as prescribed in the Bill would remain. I think I am correct in saying that no provision in the Bill has aroused more criticism than the provision relating to a full-time paid Vice-Chancellor. I must also add that, in certain quarters, the personal element has occasionally been allowed to creep into the discussion which could be very satisfactorily conducted on an absolutely impersonal basis. So far as I am aware, there is absolutely no suggestion, and no suggestion has ever been made, that the Vice-Chancellors under the existing system have not been men of personality or that their records have not been, in every way, excellent. I may also say that I consider that our University has been particularly fortunate in having had, at no cost to itself or to the State, a succession of Vice-Chancellors of repute and learning. It does not, however, follow that under the altered conditions introduced by the new Bill, we shall be able to achieve the same result. And, therefore, when a proposal is made to introduce a change in the conditions of tenure of the Vice-Chancellor's post, I think we might be charitable enough to assume that the altered duties of the Vice-Chancellor would require some such change.

“Now, there is absolutely no comparison between the Vice-Chancellor's duties at present and the duties that will have to be carried out by him when this Bill becomes law. At present the Vice-Chancellor's prescribed duties are extremely light. He has to preside at meetings. He is a member of the Syndicate, no doubt *primus inter pares*, but, all the same, only a member, and whatever executive authority he may possess he derives as a member of the Syndicate. Now that is not to be the case in the future. As I have already pointed out, the Vice-Chancellor will be the chief executive officer of the University. He will have to bring all the new University bodies into existence and into effective working. As the teaching side of the University becomes more and more developed, he will have to supervise and exercise general disciplinary control over the professorial staff. In addition to all this he will have to devote a considerable portion of his time to general academic work. Now, is it likely, is it reasonable to expect that we can get all these things done for nothing? To anybody who knows anything about the work of the University, even as it is, it would be perfectly patent that it would really require

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a man who can devote all his time, his whole attention, and, what I consider to be the most vital point, his supreme interest to University work. You cannot under existing conditions in this country get such a man for nothing. It seems to me, therefore, that if you really want all this work done—and I see no proposal that the Vice-Chancellor is not to do all this work—you will have to get a highly qualified man and pay him a suitable salary. Hon. Members are apt to be carried away by certain ideas of economy. I consider that to economise in a matter like this, either by refusing any allowances to the Vice-Chancellor or by reducing his emoluments, would be really to attempt economy in the wrong direction. In this connexion, one is forcibly reminded of the old story of the gentleman who wanted to economise his household expenditure and attempted to carry out his plan by training his valuable and useful horse to live without food. Just as he was about to succeed, the unfortunate animal died. I cannot help thinking that that story has a moral which can be suitably applied to the case we are now considering. If you really want a Vice-Chancellor as contemplated in this Bill, you will have to pay him a suitable salary. If you do not really want such a post, then the most effective way of getting rid of it would be not to attach a salary to it. With these remarks, I submit, Sir, that I cannot vote for this amendment."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I have heard with very great interest what has been urged against this amendment by the hon. gentlemen who opposed it. Mr. Krishnan Nayar said that the present procedure in the amended clause is much better than the one which existed in the draft Bill. But the question is not one whether the existing provision is better than the old one, but what we have to consider is which is the best, and I submit that the proposal I made is the best, namely, to leave the selection to the Senate instead of leaving it to the Chancellor. Mr. Krishnan Nayar has also said that if we are to have a whole-time officer, we must pay him. I quite concede that position, but the question is whether the Vice-Chancellor should be a whole-time officer and Mr. Krishnan Nayar has not elucidated anything about that point.

"The hon. Member, Mr. Ramunni Menon, has told us that this provision has got the advantages of both election and nomination. Well, Sir, perhaps having been an official all along, he thinks that a little concession is a great deal graciously conferred on the Senate. Perhaps he has not realized that among all civilized countries and in all autonomous bodies, election is the best device. Again, he said, referring to the past Vice-Chancellors and to the system of nomination under which they came in, that they were all very good men. Nobody questions that, but has the hon. Member not heard of this simple saying that however good a Government may be, we all aspire to have Self-Government? We do not want a very good Government. Self-Government, however defective it may be, is desirable for this simple reason that by means of experience we may hope to attain perfection. Therefore, Sir, although the present device may combine in itself the advantages of both election and nomination, I submit the Senate ought to have the choice of election instead of merely suggesting five persons out of whom the Chancellor may choose whom he thinks best. After all, what guarantee

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is there that the person selected by the Chancellor will be one that will be considered best by the Senate itself? Therefore, I submit that this argument that nomination with election is the best is not at all a sound argument.

“My hon. friend has also told us that we have not considered the duties that will have to be performed by the future Vice-Chancellor, and he referred us to clause 12 according to which they will be more onerous than those at present discharged by him. I for one, Sir, am unable to see eye to eye with that opinion. I carefully perused the provisions of clause 12 and I do not think that the duties are such as will require a whole-time officer. We need not at all be carried away by the fact that it is mentioned in the clause that he is the chief executive officer of the Senate. We must only confine ourselves to the enumeration of the duties mentioned therein, and I, Sir, with due deference to the hon. Member, cannot say that these duties require a whole-time officer. He again referred to the fact that the question was very vehemently and hotly discussed during the several stages. I think it is on account of this heat and the other things that entered into it they perhaps lost sight of the real ground. I would suggest to the House through you, Sir, that it may now consider calmly and come to a conclusion as to whether my suggestion is not the sounder one. I submit that the arguments advanced against my amendment are not at all sound and I earnestly beg of the House through you, Sir, to adopt my amendment, so that in the matter of appointing a Vice-Chancellor at least the Senate may have its discretion absolute and unfettered.”

Rao Bahadur O. TANIKACHALA CHETTIYAR :—“Sir, I rise to oppose this amendment. There are two ideas involved in this amendment. . . .”

Rai Bahadur T. M. NARASIMBACHARLU :—“May I rise to a point of order, Sir? I was called upon to reply and I have replied. Can any other hon. Member be allowed a further opportunity of speaking on this motion and can I reply again?”

The hon. the PRESIDENT :—“All that will depend upon me. That is all I may say just now.”

Rao Bahadur O. TANIKACHALA CHETTIYAR :—“There are two points involved in this amendment. One refers to the authority to appoint the Vice-Chancellor and the other is the question of his remuneration. It may be of interest to my hon. friend, the mover, and others to know what my hon. friend Mr. Ramachandra Rao, the leader of the opposition, had to say in his dissenting minute on the Report of the Select Committee. While dealing with this matter he only confined himself to the necessity or the advisability of this appointment being made by the Senate direct or by the Chancellor after the recommendation of the Senate. Apparently, he was thoroughly satisfied that the appointment was necessary. If you are to have a proper person who will give his time and attention to the work, he should be paid for it apparently on the principle that a labourer is worthy of his hire. At that time I also had the advantage of sitting in that committee. We had also the advantage of the presence of the learned Advocate-General who has much experience of the working of the university for a considerable number of years. He was emphatically of opinion that it was absolutely necessary to have a full-time officer and that without such

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Clause 11—cont.

an officer the affairs of the university which require much attention would not be properly attended to. Sir, until now, except perhaps in exceptional cases, we have had as Vice-Chancellors members of the Bar or the Advocate-General, extremely busy gentlemen who in the few minutes that are allotted to them for lunch found time also to sign university papers. We know that however anxious they might have been to go through the papers, for want of time they could not give sufficient attention. We also know that some busy officials sign the papers even while reading. But under this reorganized university, if proper work is to be done, it is absolutely necessary that there should be an officer who gives his full time and attention to the work. The various duties that the Vice-Chancellor will have to attend to are put in clarendon type in clause 47 which consists of five sub-clauses. He is to make arrangements for constituting the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges: he will have to draw up any rules that may be necessary for regulating the method of election to those authorities, with the assistance of an advisory committee nominated by the Chancellor and so on. Sir, when the reorganized university is put upon a proper working basis, the difficulty will be greater than in the starting of a new institution, as in Dacea or any other place. To start anew is not so difficult as to bring into being a new set of circumstances created by a new Act into a body which is already in existence. Under these circumstances there is plenty of work and plenty of scope for a full-time officer. If you do not appoint a full-time officer, however much men may be enthusiastic and anxious about filling the office for the sake of dignity, you cannot expect them to do the work without adequate payment when they work for a number of years.

“As regards the method of appointment, this method of nomination out of a selection of a few gentlemen by the Senate leaving the final choice to the highest authority in the State, viz., His Excellency the Governor in his capacity as Chancellor, is a thing not unknown. In all selections for appointments we have a selection board so to say in the Senate which is given the power to nominate five or six persons out of whom the final selection will have to be made by the Chancellor. In these circumstances, it is not an unusual procedure that has been prescribed by the Select Committee nor is it unusual for the Vice-Chancellor to be paid for his services.”

The hon. the PRESIDENT:—“Does the hon. Member Mr. Narasimha-charlu wish to offer any further reply?”

Rai Bahadur T. M. NARASIMHACHARLU:—“Yes, Sir. First of all, that remuneration is necessary if he is to be a whole-time officer, I quite concede. The only question is whether he is to be a whole-time officer. I consider that his duties are not such as to require his whole-time.”

“The next point is that the hon. Member referred to clause 47 though he was aware of the fact that clause 47 was only a transitory provision. If he had referred to clause 46, which says:

Notwithstanding anything contained in sub-section (1) of section 11, within three months after the passing of this Act the first Vice-Chancellor shall be appointed by the Chancellor on a salary to be fixed by him for a period not exceeding three years and on such other conditions as he thinks fit.

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Clause 11—cont.

it would be different. But clause 11, that is the clause we are considering now, does not at all apply to the first Vice-Chancellor. Considering that the university we are going to establish is to be put on a working basis the first Vice-Chancellor is made to be appointed by the Chancellor direct instead of under clause 11 (1). That position we are not at all considering at present. At present what we are concerned with is that after the new university has been established and put upon working lines, whether we should not confer on the Senate the full power of electing its own Vice-Chancellor who need not be a whole-time officer—because the university has been made to work by a special officer appointed under section 46—and whether that gentleman, the Vice-Chancellor, should be at all remunerated. I think my hon. friend has missed the mark when he rose to oppose this amendment."

The amendment was put to the House and declared lost.

The following amendments were not then moved :—

Mr. S. ARPUDASWAMI UDAYAR :—

52-A. *For this sub-clause substitute the following :—*

'The Vice-Chancellor shall be appointed by the Chancellor from among five persons recommended by the Senate. The successor of the first Vice-Chancellor shall be elected by the Senate from among its members, such election being subject to the approval of the Chancellor. The Vice-Chancellor shall hold office for a term of three years and may be paid such salary as may be prescribed.'

Mr. P. SIVA RAO :—

52-B. *Omit the words 'shall be a whole-time officer of the University'.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

53. *Omit the words 'shall be a whole-time officer of the University and'.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

54. *Omit the words 'shall be a whole-time officer of the University and'.*

Khan Sahib A. P. I. SAIYID IBRAHIM RAVUTTAR :—

55. *For the words 'a whole-time officer' substitute the words 'an honorary officer'.*

Sriman BISWANATH DAS Mahasayo :—

55-A. *For the words 'a whole-time' substitute 'an'.*

Sriman BISWANATH DAS Mahasayo :—

55-B. *Omit the words 'appointed by the Chancellor from among five persons recommended by the Senate.'*

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Clause 11—cont.

Khan Sahib A. P. I. SAIYID IBRAHIM RAVUTTAR :—

56. *For the words 'appointed by the Chancellor from among five persons recommended by the Senate' substitute the words 'elected by the Senate from the five persons recommended by the Syndicate'.*

Rao Sahib U. RAMA RAO :—

57. *For the words 'appointed by the Chancellor from among five persons recommended' substitute the word 'elected'.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

58. *For the words 'appointed by the Chancellor from among five persons recommended by the Senate' substitute the words 'elected by the Senate, subject to the approval of the Chancellor'.*

Mr. R. SRINIVASA AYYANGAR :—

59. *For the words 'appointed by the Chancellor. . . Senate' substitute the words 'elected by the Senate from among persons recommended by the Syndicate, subject to the confirmation by the Chancellor'.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, there are two amendments here of which the latter is an alternative to the former. I do not propose to move the first amendment; instead I propose to move the alternative amendment which has been proposed to be moved if the amendments Nos. 54 and 60 are not accepted by the Council. Amendment No. 60 also contains an alternative amendment. So to be technically correct I shall only move the alternative amendment.

"Sir, I beg to propose—

(a) *That the word 'first' may be inserted before the word 'Vice-Chancellor' and*

(b) *That the following may be inserted as a new sub-clause after sub-clause (1) :—*

"(2) *The successor of the first Vice-Chancellor shall be elected by the Senate from among its members. Every such election shall be subject to the approval of the Chancellor.*"

Mr. A. RAMASWAMI MUDALIYAR :—"I rise to a point of order, Sir. The hon. Member has moved both these amendments. In that case his amendment (b) is covered by Mr. Narasimhacharlu's amendment No. 52 which has been disposed of. What the hon. Member says in (b) is not in regard to the first Vice-Chancellor but in regard to the succeeding Vice-Chancellors. The amendment of Mr. Narasimhacharlu is a general proposition for all Vice-Chancellors. Therefore, I think that this amendment is covered by Mr. Narasimhacharlu's amendment."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"The position is this, Sir. I anticipated that the amendment No. 54 in my name, namely, that *the words 'shall be a whole-time officer of the University and' be omitted*, and also that this relating to the power of the Chancellor to appoint

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Clause 11—cont.

the Vice-Chancellor from among five persons recommended by the Senate, both of which relate to the first portion of clause 11, sub-clause (1), may not be accepted by the Council. Now, as I anticipated, an identical amendment proposed by another hon. Member came up before my amendment and the Council did not accept it. Therefore, that portion of the clause stands as it was. As an alternative, I propose to insert the word 'first' before the word 'Vice-Chancellor' and leave the clause as it is inserting a sub-clause to provide for the succession of elected Vice-Chancellors after the first Vice-Chancellor's term is over. So, my hon. friend will see that there is absolutely no inconsistency."

MR. A. RAMASWAMI MUDALIYAR :—"I shall explain, Sir. The present clause 11 (1) deals only with the successors of the first Vice-Chancellor. If it is read carefully, you will see that clause 46 provides for the appointment of the first Vice-Chancellor separately. It says :

Notwithstanding anything contained in sub-section (1) of section 11. . . . the first Vice-Chancellor shall be appointed.

That is where the first Vice-Chancellor is dealt with, so that this clause 11 (1) really refers to the successors of the first Vice-Chancellor and substantially Mr. Narasimhacharlu's proposition referred to the successors of the first Vice-Chancellor. If the hon. Member wants to have provision regarding the first Vice-Chancellor adopted, the proper place to do it will be in clause 46 ; and if he is to refer to the successors of the first Vice-Chancellor, then I say that it is covered by the decision of the Council on Mr. Narasimhacharlu's amendment."

THE hon. the PRESIDENT :—"I see the point. Mr. Narasimhacharlu's amendment said :—

3-15 p.m. "The Vice-Chancellor shall be elected by the Senate from among its members in the prescribed manner. . . ."

This amendment says :

'The successor of the first Vice-Chancellor shall be elected by the Senate from amongst its members. Every such election shall be subject to the approval of the Chancellor.'

Conceivably Members may have voted against the amendment of Mr. Narasimhacharlu on the ground that it did not provide for confirmation. The present amendment has to go forward."

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—"I am thankful for your ruling, Sir. Now, I shall be in a position to reply to my hon. friend, Tanikachala Chettiyar. Sir, he has referred to my dissenting minute and if I may say so, referred to an hon. gentleman who is not usually mentioned in deliberative assemblies like this and who is said to quote the Bible for his own purpose. My hon. friend has done me the honour to buttress his position by referring to my statement. He will find that there is a saving clause there. There are also other provisions which are unsatisfactory and which I do not like to set out at length. As my friend has put it, there is an obvious saving clause there. Apart from that, my whole point is this I concede this position, viz., that it is possible that at the outset there must be a paid officer to start the new organization and put it in order, to work

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Clause 11—cont.

all these regulations and generally initiate the whole scheme of university reform covered by this Bill. Certainly under these circumstances it is possible and even necessary that a paid officer must be appointed. The clause says:

The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from among five persons recommended by the Senate.

‘Amendment No. 68 in my name says as follows:—

‘The Vice-Chancellor shall hold office for a term of three years and may be paid such salary as may be prescribed’

leaving it open to the Senate by regulations or resolutions to fix the salary and to pay such salary as it may decide. It does not make it obligatory that the Vice-Chancellor should be a whole-time officer. It may be that there are, in the Educational world of Madras, persons who carry the whole of the Senate with them from their position and from their influence in the Educational atmosphere who may not like to be whole-time officers to start with, but who may lend the weight of their influence and experience to the Senate, and that was the reason why I said that he should hold office for a term of three years and might be paid the salary prescribed leaving it to the future to decide who should be the officer under consideration. Certainly I answer my hon. friend, Mr. Tanikachala Chettiyar, in the affirmative saying that it will be necessary to give a salary but that it will not be necessary to provide for a whole-time officer. He may be a part-time officer, and he may be paid such salary as the Senate may fix. That is my first point.

‘I have no objection, now that the Council has accepted the position, that he should be a nominated official to start with. Certainly, I am prepared to consider the position from that point. I say certainly, having nominated the first Vice-Chancellor from among five persons to start with, the power of election of his successor may be given to the Senate. That is what my amendment says.

‘I may perhaps inform my hon. friends in support of that position that the Benares University Act and the Aligarh University Act have provided for a nominated Vice-Chancellor to start with and for the grant of the power of election of his successors to the Senate after the first three or four years are over. That seems to be a fairly reasonable proposition which I trust my friend, Mr. Tanikachala Chettiyar, will do his best to accept and to persuade his friends in this Council also to accept. Sir, I think the clause, as it stands, commits the Senate to the method of selection for all times from among five persons whereas my amendment would give the power of nomination from among five persons to the Chancellor to start with and transfer the power of election to the Senate afterwards. Therefore I do not really understand why my hon. friend does not see the reasonableness of this proposal. My amendment is intended to carry out these three items. First of all, there should be no obligation by statute that the Vice-Chancellor should be a whole-time officer. Quite conceivably he may be a whole-time officer. I also concede that he may be a paid officer, but even there I do not see why he should be paid. I should certainly leave it to the Senate as to what salary they are to give him. Whether he should be a whole-time or a part-time officer may be left to the Senate to decide. I also say that the

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Clause 11—cont.

first Vice-Chancellor may be nominated by His Excellency, but that his successor shall be elected by the Senate under the Regulations. I have the authority of the other Act, that of the Aligarh University, which proceeds on exactly the same lines."

MR. A. RAMASWAMI MUDALIYAR :—" May I point out that the Aligarh University Act provides for a Pro-Vice-Chancellor who is a whole-time paid officer ? "

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—" There is also a provision in it for the Vice-Chancellor and he is to be elected. The Benares Pro-Vice-Chancellor is only an ornamental head. If you read these two Acts, the Benares University Act and the Aligarh University Act, I submit, Sir, you will find that first Vice-Chancellor is nominated and his successors are elected officers. But apart from this, whether there is or whether there is no provision elsewhere, I should ask my hon. friends why they consider that this method of selecting from among five persons nominated by the Senate should be preferred. Why do you not trust the Senate to elect its own head ? We hear a great deal of statements made now and then that with regard to executive officers, the head should be such as has the confidence of the deliberative body under whom they have to work. If that is so, why not the Vice-Chancellor be elected by the Senate which is a democratic body like the Legislative Council ? We hear a great deal of social democracy outside this Council. I think if anybody had any faith in democracy I should like to know why an educational democracy such as we wish to constitute like the Senate, cannot be left to do that ? "

THE HON. RAO BAHADUR A. P. PATRO :—" That point was settled during the discussion of my hon. friend Mr. Narasimhacharlu's motion. The whole thing was talked about as to whether the Vice-Chancellor was to be elected by the Senate or nominated by the Chancellor. "

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—" I heard the hon. Member at the time, but he did not give any very illuminative reasons to us. "

THE HON. RAO BAHADUR A. P. PATRO :—" I have not spoken on Mr. Narasimhacharlu's motion. "

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—" The only request I wish to make is that my hon. friend will give us his reasons now. If he did not speak then, he missed that opportunity but he may give us his reasons now. "

RAO BAHADUR DR. O. B. RAMA RAO :—" I second the amendment. "

MR. R. G. GRIEVE :—" Mr. President, I scarcely know the reason why the hon. mover has brought forward an amendment of this sort. I have got a copy of the proceedings of the Select Committee which sat on this Bill. The amendment made in this Bill by the Select Committee was proposed by Mr. Ranganatha Mudaliyar and was agreed to unanimously. Mr. Ramachandra Rao was himself a member of the Select Committee. "

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—" Does my hon. friend want me to tell him how the Select Committee's work was conducted ? I do not wish to do that. "

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Clause 11—cont.

Mr. C. RAMALINGA REDDI :—“ Mr. President, the matter is very simple. My hon. friend, Mr. Ramachandra Rao, was clearly drawing a faulty analogy when he compared the Vice-Chancellor of the University under this Bill to the Vice-Chancellor of the Benares Hindu University. He would not have done so if he had only compared the duties of the Pro-Vice-Chancellor of that University and the Vice-Chancellor of this University. The question was whether a technical appointment like this should be left to nomination or whether it should be left to election. If it is remembered that it is a technical appointment, he will at once see that mere election will not suffice.”

The Rev. Dr. E. M. MACPHAIL :—“ I am sorry that this debate has proceeded in the way in which it has. I should have preferred to discuss the points separately instead of having them brought up in an omnibus resolution such as the one we now have.

“ Now, I should like to say what my personal attitude in this matter is. I am in favour of making the appointment of the Vice-Chancellor a full-time one if it is necessary, and so I should prefer that, in the Bill, we should have ‘ may ’ instead of ‘ shall ’. Let the Senate have the choice. My feeling in this matter is strengthened by this. In the Bill the payment of the Vice-Chancellor is permissive. If you are going to have a whole-time Vice-Chancellor, you must pay or else you can’t get suitable persons; for the people who will be willing to do the work saying that they will not charge anything for it are not likely to be suitable.

“ As regards the remark made by Mr. Ramachandra Rao, I should like to know why, as Mr. Grieve told us, he accepted the proposal that was made in the Select Committee, that one should be appointed by the Chancellor from among five persons recommended by the Senate. My reasons for supporting this were these: I know that when you have a large body making an important appointment, there is a great danger of wire-pulling taking place and a great many unpleasant things happening. Consequently when you have a large body making an appointment, and especially an appointment with a good deal of position, power and pecuniary emoluments, it is far better that such a body as the Senate, wise, learned and august as I have no doubt it will be, should exert its power of choice not in the case of one single individual but should pick out five men, not necessarily from among its own members, and say: ‘ These are the men whom we consider to be suitable for the appointment of Vice-Chancellor, and we ask the Chancellor, who has no bias in the matter, to pick out the one whom he regards as the best ’. It seems to me that this is a much better way of doing it than to say that the Senate should vote for this man or should not vote for that man and then finally should fix upon one man.

“ My hon. friend, Mr. Ramachandra Rao, referred to democracy. If we are going to have true democracy, then we must cast lots and fix upon the man on whom the lot falls. That is true democracy. Then there will be no unpleasant aristocratic bias of any kind and all questions like communal representation, etc., will not be brought in. That is ultimate democracy. I do not myself believe in it and consequently what I do believe in is this combination of giving the Senate power to pick out men whom it trusts to be suitable for the post and of leaving the invidious duty of ‘ choosing the best among them to a man who may be regarded as impartial.’ ”

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Clause 11—cont.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"My hon. friend, Rev. Macphail, has made his position clear and stated that the Vice-Chancellor need not be by statute a whole-time officer from the very beginning and that he would give option in the matter of appointment also."

The Rev. Dr. E. M. MACPHAIL :—"The option of appointment is in the Bill."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"My hon. friend stated that he would like not to have a statutory obligation to have a whole-time officer from the very beginning and that he would like to wait and see whether circumstances would justify the appointment of a part-time officer only ; to that extent I am glad he has supported my proposal. But whether it will be carried into effect or not is quite a different matter. Then, as regards the question of Vice-Chancellor, my views and those of my hon. colleague, Mr. Narasimha Raju, are fully set out in paragraph 6 of the dissenting minute that we have added to the Select Committee report.

"Sir, I do not wish to refer to the large question of democracy, namely, whether selection should be made by lot. I am sure my hon. friend, Dr. Macphail, will give us his views on some other occasion regarding the limitations of democracy."

The amendment was put and lost.

The following amendments were not moved and were therefore deemed to have been withdrawn :—

Mr. P. SIVA RAO :—

60-A. *For the words 'appointed by the Chancellor from among five persons recommended by the Senate' substitute the words 'elected by the Senate subject to the confirmation of the Chancellor'.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

61. *For the words 'by the Chancellor from among five persons recommended by the Senate' substitute the words 'by the Senate subject to the approval of the Chancellor'.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

62. *For the word 'hold' substitute the words 'be entitled to hold'.*

Khan Sahib A. P. I. SAHYID IBRAHIM RAVUTTAR :—

63. *Omit the following words at the end :—
'and may be paid such salary as shall be prescribed'.*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

64. *Omit the words 'and may be paid such salary as shall be prescribed'.*

Mr. P. SIVA RAO :—

64-A. *For the words 'and may be paid such salary as shall be prescribed' substitute the words 'and may be paid such salary as may be determined by the Senate'.*

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Clause 11—cont.

Sriman BISWANATH DAS Mahasayo :—

64-B. *For the word 'salary' substitute 'allowance'.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

65. *After the word 'salary' insert the words 'or allowance'.*

66. *For the words 'as shall be prescribed' substitute the words 'as may be fixed by the Senate from time to time'.*

Rao Bahadur C. NATESA MUDALIYAR :—“ Sir, I have given notice of the following amendment :—

67. *Add at the end 'by the Chancellor' (Note : or it may be 'by the Senate').*

The paragraph, as it is, ends abruptly. I want to know by whom the salary will be prescribed, by the Chancellor or by the Senate ? ”

The hon. Rao Bahadur A. P. PATRO :—“ All these things will be made clear in the rules.”

The amendment was by leave withdrawn.

The following amendments were not moved and were therefore deemed to have been withdrawn :—

Sriman BISWANATH DAS Mahasayo :—

67-A. *Add at the end the words 'by the Senate'.*

67-B. *Omit the words 'subject to the approval of the Chancellor'.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

68. (i) *Insert the following as sub-clause (3) :—*

(3) The Vice-Chancellor shall hold office for a term of three years and may be paid such salary as may be prescribed.

(ii) *Re-number the existing sub-clause (2) as sub-clause (4).*

Clause 11 was put, passed and added to the Bill.

Clause 12.

The following amendments were not moved and were therefore deemed to have been withdrawn :—

Rai Bahadur T. M. NARASIMHACHARLU :—

69. *Omit the words 'and Pro-Chancellor'.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

70. *Omit the words 'and Pro-Chancellor'.*

Mr. R. SRINIVASA AYYANGAR :—

71. *Omit the words 'and Pro-Chancellor'.*

Khan Sahib A. P. I. SAIYID IBRAHIM RAVUTTAR :—

72. *Omit the words 'and Pro-Chancellor'.*

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Clause 12—cont.

Sub-clause (4).

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to move —

73. *In sub-clause (4) (a) after the words 'he may take such action' insert the words 'with the sanction of the Chancellor or Pro-Chancellor.'*

" Sir, under the Bill enormous emergency powers are given to the Vice-Chancellor. He can do anything that may be done by the Senate, Syndicate or the Council of Affiliated Colleges. I think, Sir, these powers are very wide in their scope. What is more important is this: he has to exercise this power and simply report the matter to the authority which would have ordinarily dealt with the matter. The authority concerned is not given any power to reconsider or change his decision. The Vice-Chancellor is after all the executive officer of the university and in his official career he may have some difference of opinion with the Senate or with some other authority. I am glad that we are now in the position of not dealing with any personality at all. We may be getting good, bad and indifferent men as Vice-Chancellors, we may get Vice-Chancellors who are strong in their feelings at times and necessarily strong in their action also and therefore it is better that there should be something to guide the Vice-Chancellor's actions something to set him thinking about a matter before he comes to a decision on it. All that I say is that, when he wants to take such strong, serious and emergency actions, he must consult the Chancellor or the Pro-Chancellor. Even if the Chancellor is not available to him, he will have the Pro-Chancellor, the Minister for Education, ready at hand. This provision would make the Vice-Chancellor think twice before he takes any emergency action and in all cases of emergency action it is well that there should be some check. With these few words I commend this amendment for the acceptance of the House."

The Rev. E. M. MACPHAIL seconded the amendment.

The hon. Rao Bahadur A. P. PATRO :—" I accept the amendment."

The motion was put and carried.

The following amendment was not moved and was therefore deemed to have been withdrawn :—

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

74. *In sub-clause (4) (b) for the words 'has notice' substitute the words 'is served with notice.'*

Clause 12 as amended was put, passed and added to the Bill.

The following amendments were not moved and were therefore deemed to have been withdrawn :—

New clause after clause 12.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

75. *Insert the following as clause 12-A :—*

' 12-A (1) The Registrar shall be a whole-time officer of the university and shall be appointed by the Chancellor on such terms and for such period as he thinks fit. He shall be paid such salary as shall be prescribed.

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New clause after clause 12—cont.

- (2) The Registrar shall act as the Secretary of the Senate, the Syndicate, the Academic Council and the Council of Affiliated Colleges. He shall, subject to the control of the Syndicate, manage the property and the investments of the university. He shall be responsible for the preparation of the financial estimates and the annual accounts. Subject to the powers of the Syndicate, he shall be responsible for the expenditure of all moneys on the purposes for which they are granted or allotted.
- (3) All contracts on behalf of the university shall be signed by the Registrar.
- (4) The Registrar shall exercise such other powers and perform such other duties as may be prescribed.

Clause 13.

Khan Sahib A. P. I. SAIYID IBRAHIM RAVUTTAR :—

76. *For item (6) substitute the following :—*

- ‘ (6) The Northern and the Southern Councils of Affiliated Colleges (their seats and jurisdiction to be determined by the Local Government soon after the passing of this Act), and ’

Mr. M. SURYANARAYANA :—

76-A. *In item (6) for the word ‘council’ substitute the word ‘councils’.*

Clause 13 was put, passed and added to the Bill.

The following amendments were not moved and were therefore deemed to have been withdrawn :—

*Clause 14.**Class I.*

Rai Bahadur T. M. NARASIMHACHARLU :—

77. *Omit item (2) and re-number the subsequent items.*

Mr. R. SRINIVASA AYYANGAR :—

78. *Omit item (2) and re-number the subsequent items.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

79. *Omit item (2) and re-number the subsequent items.*

Rao Sahib U. RAMA RAO :—

80. *Omit item (2).*

Mr. P. SIVA RAO :—

80-A. *Omit item (2).*

Khan Sahib A. P. I. SAIYID IBRAHIM RAVUTTAR :—

81. *In item (2) for the words ‘the Pro-Chancellor’ substitute the words ‘The Minister of Education’.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

82. *In item (4) omit the word ‘Madras’.*

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Clause 14—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

83. *Insert the following as item (5) :—*

‘(5) The Chief Justice of the High Court of Judicature’
and re-number the subsequent items.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—

84. *In item (6) after the word ‘Department’ add the words*
‘(General, Buildings and Roads).’

Mr. C. V. VENKATARAMANA AYYANGAR :—

85. *Omit items (8) and (9) and re-number the subsequent items.*

Class II.

Rao Bahadur C. NATESA MUDALIYAR :—

86. *In paragraph 1 omit the words ‘not exceeding five’.*

Mr. C. V. VENKATARAMANA AYYANGAR :—

87. *In paragraph 1, for the word ‘appointed’ substitute the word*
‘nominated’.

Rao Bahadur C. NATESA MUDALIYAR :—

88. *In paragraph 1 add at the end the following :—*
‘on the recommendation of the Senate’.

Mr. R. SRINIVASA AYYANGAR :—“Sir, I beg to move—

89. *In item (1) for ‘thirty’ substitute ‘forty.’*

“Sir, this deals particularly with registered graduates. Chapter III deals with the composition of the Senate. That august body, the Senate, has to consist of ex officio members, life members and also other members. The other members are fully set out in Class III which contains eleven sub-clauses and if we total up all the persons that may come in there either by nomination or by election, the total comes to no less than 171. According to the Bill as it has emerged from the Select Committee, the Senate will contain not less than 200 members, and in this amendment I beg leave to request the House that so far as the numerical strength of the registered graduates is concerned, it may be raised to forty. Thirty is the number now allotted to that distinguished body and I am perfectly certain that I am not making any extravagant demand on the House by requesting it to support this amendment.

“Moreover, if the object set out in the preamble is to be carried out to its logical extent, it is necessary that this body of registered
3-45 p.m. graduate should be given a larger representation in the composition of the Senate than has actually been accorded to it under the Bill, viz., 30 members out of 200. Thirty represents a proportion of about 15 per cent and there is absolutely no reason as to why we should not raise that number to forty especially in view of the fact that this body of registered graduates is known for their wisdom, for their culture, and for their education,

[Mr. R. Srinivasa Ayyangar]

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and as such can reasonably be expected to take a lot of vital interest in matters affecting the collegiate and higher education. In view of all this I urge upon the attention of the Members of this House to accept this amendment. That I am not making an extravagant demand will be apparent from the fact that under the Aligarh University Act forty registered graduates might come into that university by the open door of election. This precedent I invoke in favour of my amendment."

Mr. R. G. GRIEVE :—"I beg to point out that the total number of registered graduates is 1,134. If you give thirty seats, it is itself a very large representation to a relatively small number of registered graduates. It seems to me that thirty is agreeable to the registered graduates."

Mr. R. SRINIVASA AYYANGAR :—"The hon. the Director of Public Instruction gave us an idea of the total number of registered graduates. But they form the real intelligentsia of the country and there is absolutely no reason why anybody should complain of forty men being elected by graduates. With these few words I press my amendment."

Mr. M. SURYANARAYANA PANTULU :—"I second it."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I wish to point out that in considering this question we ought not to have any consideration for the figures given by the Director of Public Instruction. It will be seen that there is a proposal that the period of seven years as provided in the Bill for the registered graduates to vote is going to be reduced to five. If that amendment is accepted there is a very fair chance of the number of registered graduates being increased. Secondly, as to the point that the provision for the payment of registration fees is an obstacle in the way of graduates getting themselves registered, it is likely that if the fee for registration is lowered it will enable a larger number of graduates to seek registration. There is also a proposal for reducing the number of representatives from the local bodies and other bodies and if that aspect of the question is taken into account, this amendment is reasonable one."

The amendment was put to vote and lost.

Mr. R. SRINIVASA AYYANGAR :—"I want a poll, Sir. (After a pause) Sir, with due deference to certain of my friends who are professors of colleges, shall I be in order if I withdraw my demand for poll?"

The hon. the PRESIDENT :—"No. It will not be in order as the division bell has rung."

A poll was taken with the following results :—

Ayes.

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| 1. Dr. P. Subbarayan. | 7. Sriman Sasibhushan Rath Mahasaya. |
| 2. Diwan Bahadur M. Ramachandra Rao Pantulu. | 8. Mr. M. R. Setaratnam Ayyar. |
| 3. Rao Bahadur A. S. Krishna Rao Pantulu. | 9. " B. Srinivasa Ayyangar. |
| 4. Mr. C. V. Venkataramana Ayyangar. | 10. " M. Suryanarayana Pantulu. |
| 5. Bai Bahadur T. M. Narasimhaachalu. | 11. " A. Ranganatha Madaliyar. |
| 6. Rao Bahadur Dr. C. B. Rama Rao. | 12. Sriman Biswanath Das Mahasaya. |
| | 13. Mr. T. C. Srinivasa Ayyangar. |

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Noes.

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| 1. The hon. Sir Charles Todhunter. | 34. Rao Bahadur A. Ramayya Punja. |
| 2. " Khan Bahadur Sir Muhammad Habib-ul-Jah Sahib Bahadur. | 35. Mr. K. Sarabha Reddi. |
| 3. " Sir K. Srinivasa Ayyangar. | 36. " W. P. A. Saundarapandiya Nader. |
| 4. " the Raja of Panagal. | 37. " R. K. Shanmukham Chettiyar. |
| 5. " Mr. K. Venkatarreddi Nayudu. | 38. " K. Sitarama Reddi. |
| 6. " Rao Bahadur A. P. Patro. | 39. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 7. Mr. E. S. Lloyd. | 40. Mr. A. Tangavelu Nayagar. |
| 8. " A. Y. G. Campbell. | 41. Rao Bahadur C. Venkata Ranga Reddi. |
| 9. The Rev. E. M. Macphail. | 42. Diwan Bahadur R. Venkataratnam Nayudu. |
| 10. Mr. K. Ramunni Menon. | 43. Mr. S. Muttumanikkachari. |
| 11. " E. F. Thomas. | 44. Diwan Bahadur Sir T. Desika Achariyar. |
| 12. " E. Periyanaayagam. | 45. The Rev. W. Meston. |
| 13. " T. C. Tangavelu Pillai. | 46. Rao Sahib E. C. M. Mascarenhas. |
| 14. " A. Ramaswami Mudaliyar. | 47. Mr. A. T. Palmer. |
| 15. " S. T. Shanmukham Pillai. | 48. " T. Sivasankaram Pillai. |
| 16. " K. Adinarayana Reddi. | 49. Sri M. V. Apparao Bahadur. |
| 17. S. R. Y. Ankinedu Prasad Bahadur. | 50. The Zamindar of Mandasa. |
| 18. Mr. M. Appala Narasayya Nayudu. | 51. Mr. K. Prabhakaran Tampam. |
| 19. " R. Appaswami Nayudu. | 52. Abbas Ali Khan Bahadur. |
| 20. Diwan Bahadur C. Arunachala Mudaliyar. | 53. Muhammad Abdur Rahim Khan Sahib. |
| 21. Rao Sahib S. Ellappa Chettiyar. | 54. Khan Sahib Munshi Muhammad Abdur Rahman Sahib. |
| 22. " Bahadur T. C. Ethirajulu Nayudu. | 55. Muhammad Abdur Rahim Khan Sahib. |
| 23. Diwan Bahadur M. Krishnan Nayar. | 56. Saiyid Diwan Abdul Razaq Sahib. |
| 24. Mr. W. Vijayaraghava Mudaliyar. | 57. Khan Bahadur Muhammad Sadulla Badsha Sahib. |
| 25. Rao Bahadur K. Gopalakrishnayya. | 58. Khan Bahadur Muhammad Usman Sahib. |
| 26. Mr. R. Kuppuswami. | 59. Mr. L. C. Guruswami. |
| 27. " B. Muniswami Nayudu. | 60. " G. Vandanam. |
| 28. " P. C. Muttu Chettiyar. | 61. " A. M. MacDougall. |
| 29. " A. T. Muttukumaraswami Chettiyar. | |
| 30. Rao Bahadur C. Natesa Mudaliyar. | |
| 31. Mr. V. P. Pakkiriswami Pillai. | |
| 32. " C. Ponnuswami Nayudu. | |
| 33. " P. T. Rajan. | |

Thirteen members voted for the amendment and sixty-one against.

The amendment was declared lost.

The following amendments standing in the names of members noted above them were not moved and therefore deemed to have been withdrawn:—

Rai Bahadur T. M. NARASIMHACHARLU:—

90. In item (1) for the word 'thirty' substitute the word 'forty'.

Mr. C. V. VENKATARAMANA AYYANGAR:—

91. In item (1) for the word 'thirty' substitute the word 'fifty'.

Khan Sahib A. P. I. SAIYID IBRAHIM RAVUTTAR:—

92. In item (1) for the word 'thirty' substitute the word 'forty'.

Rao Bahadur A. S. KRISHNA RAO PANTULU:—

93. In item (1) for the word 'thirty' substitute the word 'forty'.

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Rao Sahib U. RAMA RAO :—

94. *In item (1) for the word 'thirty' substitute the word 'fifty'.*

Mr. B. MUNISWAMI NAYUDU :—

94-A. *In item (1) for the word 'thirty members' substitute the words 'twenty members'.*

Mr. P. SIVA RAO :—

94-B. *In item (1) for the word 'thirty' substitute the word 'forty'.*

Mr. A. T. PALMER :—

94-C. *In item (1) for the words 'from among themselves according to the principle of proportionate representation by means of the single transferable vote' substitute the following :—**'of whom twenty shall be elected by the non-Brahman registered graduates from among themselves and the rest by Brahman graduates from among themselves; three out of these twenty seats being reserved for Indian Christians'.*

Rao Bahadur C. NATESA MUDALIYAR :—"The amendment that stands in my name runs as follows :—

95. *In item (1) for the words 'from among themselves according to the principle of proportionate representation by means of the single transferable vote' substitute the following :—**'of whom twenty shall be elected by the non-Brahman registered graduates from among themselves and the rest by Brahman graduates from among themselves'.*

"Sir, Mr. President, we were just now told that there are 1,134 registered graduates of whom the major portion belong to a particular community. Ever since this electorate was created members of any other community, however eminent they may have been even as educationists, were not able to get into the Senate through this body. For instance even men like Diwan Bahadur Venkataratnam Nayudu were not able to get a seat."

Diwan Bahadur R. VENKATARATNAM NAYUDU :—"My hon. friend is mistaken when he says that I sought election through the registered graduates."

Rao Bahadur C. NATESA MUDALIYAR :—"Anyhow my hon. friend's name was not proposed by anybody and he did not succeed, and also Mr. C. Ramalinga Reddi" (laughter).

Mr. C. RAMALINGA REDDI :—"I did not stand for election for a membership in the Senate. I have always been a nominated member. Perhaps my hon. friend is confusing 'Senate' with 'Syndicate.'"

Rao Bahadur C. NATESA MUDALIYAR :—"He was defeated by a Brahman majority body. Anyway the non-Brahmans were not at all successful in their attempts. A third adorns a Bench in the High Court to-day. So these intelligent and enlightened Brahmins are zealously safeguarding the interests of their community in the Senate. Enough provision has been

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[Mr. C. Natesa Mudaliyar]

Clause 14—cont.

made in this Bill for almost all the available eminent Brahman educationists on the various authorities in the university contemplated. There are some non-Brahman educationists and it is desirable, I think, they should adorn the seats in the Senate. There is no chance of their being elected by local bodies, or by the Council of Affiliated Colleges, or the Academic Council or by the Brahman graduates. So their only hope lies in the non-Brahman graduates. So I now propose for a separate non-Brahman graduate electorate. I have no objection for earmarking these twenty seats for various non-Brahmans such as Muhammadans, Indian Christians, Anglo-Indians and domiciled Europeans. As Dr. Usman Sahib told us yesterday, there is no chance of any Muhammadan being elected unless he is nominated by the Chancellor or Pro-Chancellor. Now I am strengthened in moving this amendment by the resolution of the Non-Brahman Confederation that was held recently at which representatives of various communities from various parts of the Presidency attended. I appeal to the revered leader, Sir P. Tyagaraya Chettiyar, who was responsible for that Confederation, to Dr. Usman who was the Chairman of that Confederation, to Mr. O. Tanikachala Chettiyar who is not here, and others who took an active part in it. I appeal to the Minister for Education to accept this amendment.

“I appeal to the hon. the Minister for Education to accept this amendment
4-p.m. and not to explain it away. Sir, all his explanations will lie buried in the proceedings of this Council and it is only the clauses of this Bill that will be found in the Statute Book. I appeal also to the other Ministers, to our statesman, the hon. the Raja of Panagal, and to our thoroughbred commoner and communalist, the hon. Rai Bahadur K. Venkatareddi Nayudu Garu (loud and prolonged cheers), to support this amendment of vital importance to the various non-Brahman members of this Presidency.”

Mr. W. P. A. SAUNDARAPANDIYA NADAR seconded the amendment.

MR. C. RAMALINGA REDDI: “I should like to say a word or two, Sir, on this amendment. I yield to none in my desire to see that non-Brahman interests are properly represented. I entirely agree that in the old days the non-Brahmans did not have a sufficient representation, more so the Muhammadans and other backward communities. I would only request my friend, Mr. Natesa Mudaliyar, to look at the whole clause herein dealing with representations as proposed and not to take each clause separately and try to see whether that by itself, or in itself would suffice.

[At this stage the hon. the Raja of Panagal and the hon. Rai Bahadur K. Venkatareddi Nayudu Garu were seen leaving the hall amidst laughter and cheers.]

“I really do not understand the laughter, nor do I see why the Ministers should bolt away. I want the House to consider the clause as a whole. If that is done by the House, even my friend, Dr. Natesa Mudaliyar, will find that after all he has not much to quarrel, and that the representation provided for the non-Brahmans is very fair and adequate. I entirely agree with him as regards his object. In these circumstances I do not think it necessary that in every particular item of this clause there should be the kind of

[Mr. C. Ramalinga Reddi]

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representation that Dr. Natesa Mudaliyar has advocated. When the clause is taken as a whole, he will find that in the totality of it this has been done."

Diwan Bahadur R. VENKATARATNAM NAYUDU:—"Mr. President, I beg leave to associate myself very warmly with all that has been said by the hon. and learned Member for the University. Sir, I believe the House is aware that I am an ardent, though humble, advocate of communal representation wherever that is desirable in the general interests of the country. At the same time, Sir, I do feel that in this particular instance communal representation lies the other way. Not only do I say that the total result of all the clauses will bring in a large number of non-Brahmans, but I believe it is also an essential feature of the principle of communal representation that in the result of every election, the elected persons should be predominantly representative of the majority of those concerned in it. In this electorate by registered graduates it is the Brahmans that preponderate. Therefore, I believe it is but proper and fair that the predominating element in the result of the election also should be Brahman. Consequently, I think, Sir, that we shall be doing that which we hold to be fit and just and proper, viz., adequate and well-deserved communal representation. Hence it will be the right thing if we recognize that fact in this connexion and say that in this election it is the Brahman element that ought to predominate. Therefore, Sir, I am very much in favour of allowing the provision to stand as it is in the draft Bill; and I should even go a step further and say nothing about the mode of election, but leave it entirely to the ordinary method of election by the registered graduates. I am aware that in the past our Brahman friends in the Senate or in its various bodies were not always quite as appreciative of the capacities of members of other classes as might have been fairly expected from them. But I do believe that times have changed and we have been improving all round; and I expect it will be one line of *rapprochement* between the communities if we allow this item to stand as it is in the draft Bill."

Khan Bahadur MUHAMMAD USMAN SAHIB:—"Mr. President, may I ask my hon. friend, Mr. Natesa Mudaliyar to withdraw this amendment? In doing so I would like to point out to him the fact that there are other methods by which the non-Brahmans can find their place in the Senate of the university. For example, there is the Corporation of Madras, there are various municipalities and district boards, there are the Landholders' Association and the South Indian Chamber of Commerce; and through all these I think a large number of non-Brahmans can enter the university. Moreover, Sir, there are also seats to be provided for by nomination and if any community does not enter by election, it can do so by nomination. If the Muhammadan community is not represented in the Senate by election, I am sure it will have its share in nominations. I sympathize with my friend Dr. Natesa Mudaliyar's amendment, because it is my duty to point out that all the seats in the present constitution of the university is filled by registered graduates who are not members of his community. The present amendment seeks to have a change in this respect. But there need not be any apprehension regarding it for the reasons I have already stated. In these circumstances I would appeal to my friend to withdraw his amendment."

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Clause 14—cont.

MR. R. K. SHANMUKHAM CHETTIYAR :—“ Sir, I had no intention of taking part in the debate on this amendment, but as I have reasons to believe that my friend Dr. Natesa Mudaliyar may press it to a division, I must give a word of explanation in justification of the vote that I intend to cast in favour of Dr. Natesa Mudaliyar's amendment. The principle that communal representation in the interest of communities though they may be in the majority ought to be safeguarded has been recognized in this country, especially in this Presidency. I am sure, Sir, that if it were not for the recognition of that principle of communal representation, the composition of this House might have been entirely very different. I am glad, Sir, that Dr. Natesa Mudaliyar had the boldness to press for the acceptance of this principle and I do not see any reason why when that principle has been accepted in the composition of such an august body like the Legislature of the Province, it should not also be accepted in the composition of the University ”

MR. A. RAMASWAMI MUDALIYAR :—“ Sir, I do not know whether I come under the category of a thorough-bred communalist, but I should like to say a few words on this proposition to make my vote perfectly clear. I yield to none in my desire to see that the communal principle is accepted as thoroughly as possible, and I do not think my past record will justify any one in saying that I was either half-hearted or against the principle of communal representation. But it is my adherence to that principle, Sir, that makes me oppose this amendment. Sir, we have always been pressing that members according to their communities and according to the number by which they are represented should have a fair proportion of the seats in the various bodies. My friend, Dr. Natesa Mudaliyar, said that he must have this principle of strict representation in the minutest detail carried out in all the elective bodies. The particular body that should send in representatives in this case is a body composed of registered graduates. Seven years is the time fixed for a graduate to get registered and become fit for election. I have got statistics to show that out of about 12,000 graduates who are eligible to be registered graduates, 9,000 are Brahmans and 3,000 belong to all the other communities put together. Now if the principle which Dr. Natesa Mudaliyar and I have in common be accepted, viz., the principle of representation according to numerical strength, I believe that one-fourth of the seat should go to all the other communities and three-fourths should go to the Brahmans, which works out somewhat in this way, that out of 30 seats, 7 or 8 seats should be reserved to communities other than Brahmans. Sir, we cannot have one principle with regard to one electorate and another principle with regard to another. If to-day my friend Dr. Natesa Mudaliyar's amendment is accepted in regard to this particular electorate and we fix 20 out of 30 seats for the non-Brahmans, out of all proportion to their numerical strength in that particular electorate, I think our Brahman friends will be perfectly justified to come to-morrow and claim election in our electorates where we are in a majority and will have a right to claim election. It is because we must adhere to the principle once accepted that I oppose this amendment. We are all communalists here. I was returned here as a communalist and I do not think I would have been a member here if the communalists had not predominated in my electorate. I do not owe my seat to that reservation of the power of nomination which is more or less a

[Mr. A. Ramaswami Mudaliyar]

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shadow, but the idea behind the communalists has been responsible for a great number of my own community being returned to this Council. I yield to none in the communalist principle which I am glad to see is extending beyond this province and which is gaining adherence elsewhere also, and I yield to none also in the idea that the communalist principle will after all be the saving of the Indian nation, and I feel I must oppose this amendment in the very interest of that principle."

Mr. V. P. PAKKIRISWAMI PILLAI:—"Mr. President, I rise to support the amendment so ably moved by my friend Dr. Natesa Mudaliyar.

4-15 p.m. It is rather painful to observe that just at the time when this important amendment was being introduced, two of our leaders should have thought fit to bolt away from this House."

Diwan Bahadur R. VENKATARATNAM NAYUDU:—"May I just enquire, Sir, why it is that two of the hon. Ministers have gone away? It was first referred to by Mr. Ramalinga Reddi and now again it is said that they have bolted away. It might be that pressure of work or other important business called them away elsewhere. Is it fair, Sir, to draw such an inference and make their absence such a serious matter for reflections?"

The hon. Rao Bahadur A. P. PATRO:—"Sir, I may say that the hon. the Raja of Panagal has an engagement at 4 o'clock to attend the opening ceremony of the Child Welfare Association by Her Excellency and my hon. colleague, Mr. Venkatarreddi Nayudu, is also required to be present at a sub-committee at 4 o'clock. So they have not bolted away, Sir, but they have other equally responsible work to attend to."

The hon. the PRESIDENT:—"In any case, I do not think we can compel hon. Members to remain in their seats."

Mr. V. P. PAKKIRISWAMI PILLAI:—"The hon. Minister in charge of the Bill has not said anything on the subject and it is very very difficult for us to proceed. We wish to know what his attitude is on this matter. I do not see any reason why we should be ashamed of giving expression to our views. Communal representation is the ladder by which we got up to our present position. Should we now feel reluctant to own it openly and press our share here? No useful purpose will be served by trying to hide our opinions. You have been passing resolutions after resolutions and interpellations after interpellations in this Council to see that the public services contain people of all creeds and colour. The Government have after all accepted the necessity for more non-Brahman representation in the public services than at present. Our present complaint is that full effect is not given to that intention. We are now faced with the question whether we should have communal representation and what number of seats should be allotted to what communities. If we have not the courage of conviction to express our views boldly, we shall be accused of not having done our duty properly. There is no use of saying that India is breaking down its caste prejudices. This view is expressed by a microscopic minority. Are we not expected to discharge our duties conscientiously in safeguarding the interests of the masses on this and other occasions? We ought not to think that because we have succeeded now we can stay quiet for some time. With these words, I support the motion."

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Rao Bahadur C. NATESA MUDALIYAR :—" Sir, Mr. President, my revered friend Diwan Bahadur Venkataratnam Nayudu stated that predominance should be given to the predominant element in the electorate. But when the Meston Committee came here and when my leader, Sir P. Tyagaraya Chettiyar, offered the Brahmans only 18 seats, they did not want one seat less than what they demanded. Then, were they depending upon the rate-paying capacity or the population? We are predominant in our rate-paying capacity. Why did they not give us a higher number? Although yesterday Mr. Govindaraghava Ayyar doubted whether my Minister will continue, I am sure whether he continues or not, my party will continue. If it comes to a question of communal representation to the Brahmans, will it depend on the rate-paying capacity or numerical strength? I ask him whether they are willing to accept two or three seats. Our Minister is very stubborn (laughter). Sir, I have to stand by the party. Although I have a great temptation to press it to a division and fall with a faithful few yet because my Minister thinks I should withdraw I am withdrawing " (cheers).

The motion was by leave withdrawn.

The hon. the PRESIDENT :—" Before we take up the next amendment, I should like to mention one thing. I understand that several hon. Members are anxious to know whether we are to have a sitting on Saturday. I do not think we shall have a sitting. After to-morrow the next meeting will be on Monday. As to what business will be taken on Monday it will entirely depend upon the progress of this Bill. I have said that we shall give two days for non-official business. But the Government have also some business. If we finish this to-morrow, then of course Monday and Tuesday will be available for non-official business. So I am not in a position to say what business will be taken on Monday."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Will we close on Tuesday?"

The hon. the PRESIDENT :—" Even that I am not able to say. If this Bill runs on into Monday, then if the non-officials say that they would like to sit sufficiently long to have two clear days for non-official work I should certainly not object. But it will depend upon the feeling of the House. I hope Mr. Venkataramana Ayyangar will see, and it is in the interest of every body to see, that we finish this Bill as soon as possible."

Mr. C. V. VENKATARAMANA AYYANGAR :—" We are trying to do it."

The hon. the PRESIDENT :—" I am sure you are."

Rai Bahadur T. M. NARASIMHACHARLU :—" I beg to move—

96. *In item (1) omit all the words beginning with 'according to the principle of'.*

" My submission is that this provision in this clause seems to be a very invidious one. In the first place, it is not mentioned anywhere either in the Statement of Objects and Reasons or anywhere else that this particular principle is adopted with reference to this particular electorate, that is, the registered graduates. Is it because the Brahmans preponderate there? Then, say, that that is the underlying object. Please be frank and fair. You have not stated so."

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Mr. A. RAMASWAMI MUDALIYAR :—“ May I know where he expects the statement to be made in the Bill ? I understood the hon. Member to say, ‘ If that is so, please state it fairly, frankly and squarely ’.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ I expect that the principle underlying it should be stated in the Select Committee’s report wherein these words have been added. There seems to be some reason for it, and I fail to see any reason stated there. That is why I take objection to the insertion of this clause. The invidiousness will be more clear when you go to sub-clause (3) under this clause. Item 3 says :

twelve members elected by the non-official members of the Legislative Council of Madras from among their own body.

Well, what does the majority of the Legislative Council consist of ? Certainly not Brahman Members. Now, if you are fair why should you not apply the same principle of proportionate representation to the minorities ? I therefore think, Sir, that this provision which does not find a place in sub-clause (3) is really invidious. Then, Sir, please refer to item 11 of Class III. It says :

thirty members nominated by the Chancellor of whom not less than twenty shall be nominated to secure the representation of communities not otherwise adequately represented.

“ Look at the members there. Thirty members. Out of 180 or 200 members 30 members are to be nominated by the Chancellor to secure the representation of communities not otherwise represented. There being that provision I ask on what principle this principle of proportionate representation has been introduced here. Well, Sir, I need not labour much upon this point ; because that has been already placed before the House by my revered friend, Mr. Venkataratnam Nayudu. He himself said in the course of the former debate that he would wish that this method of election is done away altogether. I think, Sir, that that opinion goes to strengthen my argument. You will find that, in the election by the Academic Council, by the Council of the Affiliated Colleges and so forth, nowhere is such a provision made. Why is this provision made here ? What purpose is it going to serve ? I think, Sir, that this is a very mischievous provision which will only leave heart-burning behind. I, therefore, appeal to members of Government that at every stage and every day you are simply hurling injury upon injury upon this poor Brahman community. I understand, Sir, that the underlying principle is that and therefore I would very much like that I should be shown that I am mistaken. Therefore I request the Government to accept the amendment.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Having given notice of

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a similar amendment, I beg to second this amendment. I think that we need not go into the question of Brahman or non-Brahman in this connexion ; the principle of proportionate representation is not a new thing and this has been working in various electorates. If I have given notice of a similar amendment or if I rise to second this amendment, it is because this principle has been specially adopted in the case of this particular electorate alone. As hon. Members will see this principle is not introduced into the other electorates mentioned in the Bill. These members of the Senate are to be elected not only by the registered graduates, but also by the Academic Council, by the Legislative Council by the principals of second-grade colleges and so on. If this principle of

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Clause 14—cont.

proportionate representation is introduced in all these bodies, I for one would not have any objection to it. But when I see that the principle is to be adopted only in the case of registered graduates, I think that is making an invidious distinction. For these reasons I second this amendment.

Mr. A. RAMASWAMI MUDALIYAR :—“ Mr. President, Sir, I must express my sense of regret that Mr. Narasimbacharlu, in spite of the discussion on the last amendment, should have thought fit to press this amendment. If anything justifies the attitude of hon. friends like Mr. Natesa Mudaliyar, I think it is the attitude of gentlemen like the hon. Member from Cuddapah. Sir, the principle of proportionate representation is not a new principle. It is a well accepted principle and it is a principle which is sought to be incorporated in English elections. This principle was introduced in this clause by the Select Committee for more than one reason. It is not merely to bring any communities—and I am not ashamed to own that that was the idea to some extent. They had a greater principle in mind than the one which is involved in this amendment. Now, as elections have taken place, it will be remembered by every one that the registered graduates have time after time returned only lawyers as their representatives. The teaching profession, the most enlightened of all professions, the profession which ought legitimately to be on the Senate, could not get one or two representatives during the last so many years. The medical profession had never had a representative for a very long time. The profession of engineering went abegging year after year and no man following that profession had the temerity even to stand for election by the registered graduates. The feeling of disappointment has been acute in all these professions. Only members of the bar and that too exclusively from Madras had been successful. It is the feeling that there must be due representation of all these bodies that was at the bottom of this provision.

“ I may give one other reason why this provision was introduced. My hon. friend, Mr. Krishna Rao, has said that in no other electorate this principle finds a place. The reason is very simple. If my hon. friend will go through the list, he will find that all other electorates are well defined bodies. The Legislative Council is a constituted body at which we are able to meet, at which we are able to know each other and at which we occasionally exchange such delightful compliments as have passed across the House this afternoon. The Corporation is a constituted body; the Academic Council is a constituted body. But the registered graduates are not a constituted body. It is an inchoate body; its members never meet; they have no opportunity of knowing each other; they do not know what the electorate is, and probably who the candidate is. It is a body which never comes together, which has no mutual interests, which has no common meeting place and that is the reason—the vital reason—why this principle of proportionate representation was introduced into this particular electorate. It was not to make any invidious distinction; it was not with a view to harm the Brahman community as my hon. friend Mr. Narasimbacharlu has put it. That, of course, is obsession with him and to which my hon. friend referred time after time in this Council. Now, Sir, there is no object of injuring anyone here, and I should like to be remembered as one

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Clause 14—cont.

who does not want to injure either an individual or a community. But I have a right to explain why this principle of proportionate representation was introduced in this particular electorate. As I said, it was done not merely on communal idea but to see that the various professions had a fair chance of being represented. There are about 1,000 graduates among the medical people. Are you not going to give a chance to that body to return some of its men to the Senate? There are a less number among the Engineering profession. Are you going to suggest that they will have any chance of being returned if you have this open election? There are about 2,000 graduates in the teaching profession. In spite of the fact that they are fairly equal in number to the lawyers, they have never had a chance. I remember only one or two of them returned during the last election. It is to protect those interests even more than to protect the communities that this provision is made. I, therefore, hope that the House will throw out this amendment unless, of course, my friend Mr. Narasimhacharlu is reasonable enough to withdraw it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I wish to say only a few words in answer to my hon. friend, Mr. Ramaswami Mudaliyar. I do not wish to go into our eternal question in this Council. While my friend characterises Mr. Narasimhacharlu as being obsessed with his communal idea, I am afraid there are many other hon. gentlemen who are bringing this subject, I believe, every fifteen minutes in this Council. I did not expect that in the discussion on the Bill to reorganize the Madras University, this subject would come in at all.

"Now let us consider what my hon. friend, Mr. Ramaswami Mudaliyar, has said. His first argument is that proportionate representation is a method of securing due representation of the various professions. May I recall to his mind the identical proposal that I put forward, namely, that the election should be made by faculties and that my hon. friend along with other hon. Members would not accept it? I think that is the best way of securing representation of the various professions which my hon. friend mentioned. His is certainly not an argument for proportionate representation. To mention it as an argument for introducing the principle of proportionate representation is entirely a new line of argument.

"As regards the point that the other bodies are all well defined bodies and that this body of registered graduates is inchoate or undefined,—may I ask my hon. friend, why even in well defined bodies there is the method of proportionate representation—for instance in the election of persons to the Standing Finance Committee and the Public Accounts Committee. When this Council adopts the principle of proportionate representation for the election of members to the Standing Finance Committee and to the Standing Public Accounts Committee, why should then, in the matter of election of representatives of this Council to the Senate, this principle be considered unsuitable? There are also other electorates mentioned in the Bill. There is the Academic Council. Why should it not also adopt the principle of proportionate representation? If the principle is a good thing in one case why should it not be introduced in the others? Why should not the

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Clause 14—cont.

principle be applied to the principles of second-grade colleges, to the Corporation of Madras, to the Madras Landholders' Association and to the local boards?"

Mr. A. RAMASWAMI MUDALIYAR:—"Does my hon. friend seriously suggest that for local boards proportionate representation should be adopted?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"It depends upon the method that you adopt."

Mr. A. RAMASWAMI MUDALIYAR:—"Only one member is to be elected by the district board and one by the municipal councillors."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"But there are other items where this principle may be adopted."

"My hon. friend admitted that this principle was introduced partly to secure adequate representation of the non-Brahman community. I think my hon. friend—I do not say is justified—afforded justification to some extent for accepting the amendment of my hon. friend Mr. Narasimbachariu.

"I also wish to state one other matter. The question of election may safely be referred or relegated to Statutes. Certainly the best method will be to enable the Senate to frame Statutes for election by all these bodies. Of course the amendment standing in my name will bring up this matter later on. Therefore I think the best way of proceeding with these things is to leave this matter here and to make provision for these elections under Statutes.

"Finally as regards the conduct of election to secure the representation of thirty people by means of proportionate representation, I do not know whether it will be an easy matter, and I am sure my friend Mr. F. J. Richards must have taken much trouble during the last election for four representatives for the Council of State. It involves much of mathematical calculation. For obvious reasons if the Senate thinks that that is the best method of election to be adopted in the case of all these electorates, by all means let them do it, or if they want to adopt other methods let them have them."

Dr. P. SUBBARAYAN:—"I am surprised to hear this from Mr. Ramachandra Rao. I have always thought that he is a great admirer of proportionate representation."

4-45 p.m.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"May I inform my friend that I am a member of the Proportionate Representation Association. The principle must be applied to all electorates alike, without any differentiation. I may say that if this amendment is not accepted I shall have to move another amendment that this principle should be applied to all electorates alike."

Dr. P. SUBBARAYAN:—"I was glad to hear the explanation, but I was not convinced. Other electorates are composed not of minorities, but here it is a distinct case of a minority going unrepresented. This was originally proposed in England in order to safeguard the interests of minorities."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"It is the minority that it is proposed to protect by this amendment."

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Clause 14—cont.

Dr. P. SUBBARAYAN :—" Minorities are communities other than the Brahmans. Brahmans are in a majority among the graduates. The Senate is composed mostly of practising lawyers. We want to see that teachers, engineers and people of that sort should be represented. It is only for that the system of single transferable vote is adopted. My hon. friend and the Rt. hon. Mr. Srinivasa Sastri had put forth the idea of proportionate representation before the Joint Parliamentary Committee when the question of non-Brahman representation was raised."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Will my hon. friend give reference to that statement?"

Dr. P. SUBBARAYAN :—" I shall bring it to-morrow."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I should like to have it. I may inform my friend that proportionate representation was not gone into by the Joint Committee, and it was in the report that it was introduced by Lord Selbourne, the Chairman of the Committee. To the best of my recollection, there was not a single suggestion put forth by any member that proportionate representation should be adopted."

Dr. P. SUBBARAYAN :—" We shall discuss about that to-morrow. So, I am really surprised that Mr. Ramachandra Rao should oppose proportionate representation. It was one of the means devised for the representation of minorities, and it was only with that aim this provision was made here."

Rai Bahadur T. M. NARASIMHACHARLU :—" Now, I am glad to know, Sir, that at least what I feared was to some extent in the minds of those who were responsible for this thing. But they assure me that it is not all. It was said that the teaching profession, the engineering profession and other professions could not be adequately represented unless proportionate representation was adopted. The best way to do that is to give the ordinary graduates something like ten seats, engineering profession two or three seats, teaching profession three or four seats and so on. Again, I may invite the attention of the members to sub-clause 2 which says :

Ten members elected by the Academic Council and ten members elected by the Council of Affiliated Colleges.

Then sub-clause (4) says :

Five persons elected by the principals of second-grade colleges and three persons elected by headmasters of secondary schools recognized by the Local Government.

You see there ample provision is made for representation from the respective bodies. Therefore, Sir, I say that if you want to secure the election of minorities the best way would be to allot each minority a certain number of seats. Instead of doing that straightforwardly, why do you adopt this vague principle of proportionate representation? It was said that the Legislative Council was a definite body, and that therefore they might be left to elect twelve members in the ordinary way. Will not the minority suffer then? The minority will not get even one seat in the Senate from this Legislative Council. So, I ask, why do you not adopt the same principle in respect of this body? We are framing a law in which we are very partial to ourselves.

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Clause 14—cont.

"Sir, my learned friend (Mr. Ramaswami Mudaliyar) accused me of bringing up this matter time and again. My reply simply is: Because you bring that matter I was forced to say a few words now and then in reply lest our silence should be construed as approval of what you say."

The motion was put to the House and lost.

The following amendments were not moved and were therefore deemed to have been withdrawn:—

Rao Bahadur A. S. KRISHNA RAO PANTULU:—

97. *In item (1) omit the words 'according to the principle of proportionate representation by means of the single transferable vote.'*

Rao Sahib U. RAMA RAO:—

98. *In item (1) omit all the words beginning with the words 'according to the principle of'*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—

99. *In item (1) omit the words 'according to the principle of proportionate representation by means of the single transferable vote'*

Mr. B. MUNISWAMI NAYUDU:—

99-A. *Add at the end of item (1) the following:—*

'Of which number not less than one-half should be reserved for Non-Brahmans, including Muhammadans and Christians'

The Council adjourned at 4 minutes to 5 p.m. to meet again at 11 a.m. the next day.

L. D. SWAMIKANNU,

Secretary to the Legislative Council.

APPENDIX B.

[Page 1494 supra.]

Proceedings of the nineteenth meeting for 1922-23 of the Standing Finance Committee of the Madras Legislative Council held at Fort St. George on Thursday, the 18th January 1923.

P R E S E N T :

- (1) The Hon'ble Sir CHARLES TODHUNTER, K.C.S.I. (Chairman).
- (2) M.R.Ry. Rao Bahadur C. NATESA MUDALIYAR Avargal.
- (3) " Rao Bahadur O. TANIKACHALA CHETTIYAR Avargal.
- (4) " Rao Bahadur T. A. RAMALINGA CHETTIYAR Avargal.
- (5) " A. RANGANATHA MUDALIYAR Avargal.
- (6) Khan Bahadur MUHAMMAD USMAN SAHIB.
- (7) Dr. P. SUBBARAYAN.
- (8) Mr. C. E. WOOD.

(Mr. A. M. MacDOUGALL did not attend.)